

IN RE: DEVELOPMENT PLAN HEARING and
PETITION FOR VARIANCE for
Hereford Professional Bldg.
W/S York Road, N of Everett Road
7th Election District
3rd Councilmanic District

Thomas A. McInnes
Owner/Developer

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. VII-301 & 96-62-X
*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by McKee & Associates, Inc., for the proposed development of the subject property by Thomas A. McInnes, Owner and Developer, with a two-story brick medical office building, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Developer seeks approval of a special exception to permit an office building, which is in compliance with the site design guidelines and performance standards set forth in the "Hereford Plan", to be 39 feet in height in lieu of the maximum permitted 30 feet, pursuant to Section 259.3.B.3 and 259.3.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property consists of a gross area of 1.831 acres, more or less, split zoned B.M.-C.R. and R.C.5 and is located on the west side of York Road between Monkton Road and Everett Road in Hereford.

Appearing at the public hearing required for this project were Geoffrey C. Schultz, Professional Engineer with McKee & Associates, Inc., David Recchia, Architect with Rubeling & Associates, Inc., and Howard L. Alderman, Jr., Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing. Appearing as interested parties were George McCeney, a represen-

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Date

By

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tative of the Greater Sparks-Glencoe Community Council, and Mrs. Rittenhouse, a nearby resident.

As to the history of this project, the concept plan conference for this development was conducted on November 28, 1994. As required, a community input meeting was held on January 12, 1995 at the Hereford Volunteer Fire Hall. Subsequently, a development plan was submitted and a conference held thereon on September 20, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments was submitted at the hearing held before me on October 6, 1995.

As for consideration of the development plan, I am required to determine what, if any, agency comments or concerns remain unresolved at the preliminary stage of the public hearing before me. Testimony and evidence received was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. Furthermore, there were no issues raised by any citizen in attendance which required the taking of testimony. Therefore, based upon the uncontradicted testimony and the absence of any opposition, it appears that the development plan should be approved.

As to the Petition for Special Exception, testimony and evidence offered revealed that the proposed improvements on the property, including the required parking area and storm water management facility, will be located entirely within the B.M.-C.R. zoned portion of the site, while the R.C.5 zoned portion of the property will be used for a forest conservation area. As noted above, the proposed building will be 39 feet in height and as a result, a special exception is necessary to permit its construction pursuant to the regulations applicable for development in C.R. districts.

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Ordinarily, one might consider that a Petition for Variance would be the proper procedure to follow to request a building height of 39 feet in lieu of the maximum permitted 30 feet. However, special regulations concerning development in C.R. districts have been passed by the County Council and are applicable in this instance, given the B.M.-C.R. zoning of this property. Therefore, the building height of 39 feet may be permitted only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the District. I hereby find that this project does, in fact, satisfy the site design and performance standards of the Hereford Plan. Therefore, the height of 39 feet for this building shall be approved.

On behalf of the Owner/Applicant, Mr. Howard Alderman proffered testimony to support the special exception relief requested. His testimony indicated that the requirements of Section 502.1 of the B.C.Z.R. will be met and that there will be no adverse effects upon the surrounding locale as a result of the special exception relief granted.

It is clear that the B.C.Z.R. permits the height of this building and the use proposed in a B.M.-C.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the par-

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ticular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Special Exception granted consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 20th day of October, 1995 that the development plan for the Hereford Professional Building, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,


IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval of an office building, which is in compliance with the site design guidelines and performance standards set forth in the "Hereford Plan" to be 39 feet in height in lieu of the maximum permitted 30 feet, pursuant to Section 259.3.B.3 and 259.3.C.1.c of the Baltimore

11/20/95
[Signature]

County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Owner/Developer may apply for their building permit and be granted same upon receipt of this Order; however, the Owner/Developer are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Owner/Applicant shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.
- 3) Pursuant to the Petition for Special Exception, the proposed two-story medical office building is limited to a height of 39 feet.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 5) The proposed development shall be in compliance with all forest conservation requirements imposed upon the Owner/Applicant by the Department of Environmental Protection and Resource Management (DEPRM).

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 20, 1995

(410) 887-4386

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE for
Hereford Professional Building
W/S York Road, N of Everett Road
7th Election District - 3rd Councilmanic District
Thomas A. McInnes- Owner/Developer
Case Nos. VII-301 & 96-62-X

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Exception granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas A. McInnes
7816 Ruxwood Road, Towson, Md. 21204

Mr. Geoffrey C. Schultz, McKee & Associates
5 Shawan Road, Hunt Valley, Md. 21030

Mr. David Recchia, Rubeling & Associates
401 Jefferson Avenue, Towson, Md. 21286

Kurt Kugelberg, Project Mgr., PDM; DEPRM; DPW; People's Counsel; File

RECEIVED
OCT 24 1995
BALTIMORE COUNTY



Petition for Special Exception

96-62-X

to the Zoning Commissioner of Baltimore County

for the property located at 16918 York Road

which is presently zoned BM-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an office building which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum pursuant to BCZR §§ 259.3B.3 and 259.3.C.1.c.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Thomas A. McInnes

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7816 Ruxwood Road

377-2700

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc.

527-1555

Name

5 Shawan Road Hunt Valley, MD

21030

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Attorney for Petitioner:

Howard Alderman, c/o Levin & Gann

(Type or Print Name)

Signature

105 West Chesapeake Avenue

Address

Phone No.

Towson,

MD

21204

State

Zipcode

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Date

By



62

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

96-62-X

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

August 10, 1995



ZONING DESCRIPTION

16918 YORK ROAD

7TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Beginning at a point on the West side of York Road (66 foot wide right-of-way) at the distance of 180 feet South of the centerline of Monkton Road extended; thence running along said road South $03^{\circ} 12' 19''$ East 142.58 feet; thence South $84^{\circ} 56' 05''$ West 529.65 feet, North $03^{\circ} 12' 19''$ West 142.58 feet, and North $84^{\circ} 56' 05''$ East 529.65 feet to the place of beginning as recorded in Deed Liber 5561, folio 282.

Containing 1.733 acres of land and being known as 16918 York Road located in the 7th Election District.

file: wpwin/gcs/9492des

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-67-X

District 2nd Date of Posting 9/1/95

Posted for: Special Exceptions

Petitioner: Thomas H. McInnes

Location of property: 16908 York Rd.

Location of Signs: Facing road way on property being zoned.

Remarks: _____

Posted by [Signature] Date of return: 9/8/95
Signature

Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-62-X
(Item 62)

16918 York Road - Hereford Professional Building
aka Hereford Medical Office Building
W/S York Road, 16918

Monkton Road
7th Election District
Ord Councilmanic

Legal Owner(s):

Thomas A. Molnes

Hearing: Wednesday,
September 20, 1995 at
10:00 a.m. in Rm. 118, Old
Courthouse.

Special Exception for an office building, which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
8/347 Aug. 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Certification~~

No.

004554

96-62-X

AMOUNT \$ 335.00

RECEIVED FROM: McINNES item # 62

FOR: SIX 050

03003W006ZNYRC \$335.00
04003:40P00-10-95

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TO: PUTUXENT PUBLISHING COMPANY
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

McKee and Associates, Inc.
5 Shawn Road
Hunt Valley MD 21030
527-1555

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-62-X (Item 62)
16918 York Road - Hereford Professional Building, fka Hereford Medical Office Building
W/S York Road, 180' S of Monkton Road
7th Election District - 3rd Councilmanic
Legal Owner: Thomas A. McInnes
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for an office building, which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-62-X (Item 62)

16918 York Road - Hereford Professional Building, fka Hereford Medical Office Building

W/S York Road, 180' S of Monkton Road

7th Election District - 3rd Councilmanic

Legal Owner: Thomas A. McInnes

HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for an office building, which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum.

Arnold Jablon
Director

cc: Thomas A. McInnes
McKee & Associates, Inc.
Howard Alderman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

ADDITIONAL COPIES





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Number: VII-301

Project Name: Hereford Professional Building

Location: W/S York Road, N of Everett Road

Acres: 1.831

Developer: Thomas A. McInnes

Proposal: 8,800 sq. ft. commercial

and

CASE NUMBER: 96-62-X (Item 62)

16918 York Road - Hereford Professional Building, Fka Hereford Medical Office Building

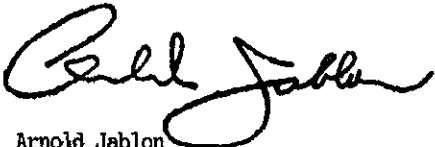
W/S York Road, 180' S of Monkton Road

7th Election District - 3rd Councilmanic

Legal Owner: Thomas A. McInnes

Special Exception for an office building, which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum.

HEARING: FRIDAY, OCTOBER 6, 1995 at 9:00 a.m. in Room 106 County Office Building.


Arnold Jablon
Director

cc: Thomas A. McInnes
McKee & Associates, Inc.
Howard Alderman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 29, 1995

Howard Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 62
Case No.: 96-62-X
Petitioner: T. A. McInnes

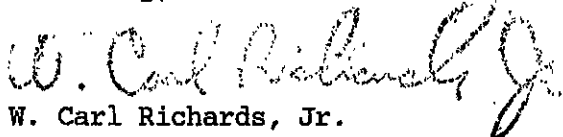
Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 6, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 16918 York Road

INFORMATION:

Item Number:

62

Petitioner:

Thomas A. McInnes

Property Size:

Zoning:

BM-CR

Requested Action:

Special Exception

Hearing Date:

/ /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff supports the applicant's request. Our Concept Plan Concepts of November 25, 1994 are attached for informational purposes.

Prepared by:

Jeffrey W. Long

Division Chief:

Bary Kerns

PK/JL

PROJECT NAME: HEREFORD MEDICAL CENTER

PROJECT NUMBER: VII-301

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Chesterfield Comm Assoc
Winnie Carpenter, Pres
44 Chesterfield Ct
Monkton MD 21111

Greater Sparks Glencoe
Comm Council
Lee Riley, Pres
PO Box 396
Sparks MD 21152

Hereford Business Assoc
Dr. Gordon Zorn, Pres
17121 York Rd
Parkton MD 21120

Hereford Comm Assoc
Donald E Pearce, Pres
PO Box 180
Monkton MD 21111

Northeast Balto Co Protective Assoc
Johanne Edey, Pres
1800 White Hall Rd
White Hall MD 21161

Valleys Planning Council
Margaret Worrall, Exec Dir
PO Box 5402
Towson MD 21285

Monkton Preservation Assoc
Gloria Cameron, Pres
Box 424
Monkton MD 21111

North County Coalition
Dr. Richard McQuaid, Pres
1501 Harris Mill Rd
Parkton MD 21120

Piney Run Preservation Assoc Inc
Mary B. Gaines, Pres
3423 Black Rock Rd
Reisterstown MD 21136

MEETINGS:

Concept Plan Conference 11 / 28 / 94

Community Input Meeting / /

Development Plan Conference / /

Hearing Officer's Hearing / /

Planning Board / /

COMMENTS

MASTER PLAN

The proposed use is consistent with the Baltimore County Master Plan 1989-2000. York Road is a Master Plan designated scenic route and a note should be placed on the Development Plan referencing it as such.

COMMUNITY PLAN

The site is within the boundaries of the Hereford Community Plan, adopted by the County Council May 6, 1991 as an amendment to the Master Plan.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Jan 62

CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Zoning
DATE: November 25, 1994
PROJECT NAME: HEREFORD MEDICAL CENTER
PROJECT NUMBER: VII-301
PROJECT PLANNER: Francis Morsey

GENERAL INFORMATION:

Applicant Name: Thomas A. McInness
7816 Ruxwood Rd Baltimore MD 21204
Location: W /side of York Rd/North of Everett Rd
Councilmanic District: 3rd
Growth Management Area: Rural Center - Hereford
Zoning: RC 5 (0.836 acres) BM-CR (0.897 acres)
Acres: 1.733 acres

Project Proposal:

The Applicant proposes a two story 8800 square foot medical office building on 1.73 acres of land zoned BM-CR (0.897 acres) and RC 5 (0.836 acres). Parking for 40 vehicles is required and provided. The site is partially wooded and contains an existing two story building which will be removed.

Other Anticipated Actions and Additional Review Items:

| | | |
|--|---|--------------------------------|
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Referral to Planning Board | <input type="checkbox"/> PUD |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Compatibility | <input type="checkbox"/> Other |
| <input type="checkbox"/> Waiver | <input checked="" type="checkbox"/> Scenic Route | |
| <input type="checkbox"/> RTA Modification | <input type="checkbox"/> Design Review Panel | |

HISTORIC PRESERVATION

The property is adjacent to a former Odd Fellows Lodge which is listed as site BA 2034 on the Maryland Historic Trust Inventory. The Concept Plan will be presented to the Landmarks Preservation Commission at its regular meeting on December 8, 1994.

ZONING REGULATIONS

Section 259.3 of the Baltimore County Zoning Regulations (BCZR) imposes additional regulations for CR Districts which include landscaping standards, parking location and accessibility to adjacent non-residential properties, and the requirement for compatibility review.

DEVELOPMENT REGULATIONS

Section 26-282 (2) of the Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for development in the CR Districts. Section 26-203 (d)(20)(i) of these regulations also allows the Director of Planning to require additional submittals as part of the Development Plan for items required by the Zoning Regulations or Comprehensive Manual of Development Policies (CMDP).

The following items are requested for compatibility review and for the approval process of the Scenic View Design Guidelines. One set of graphic materials will be sufficient for both reviews.

1. The Applicant should demonstrate in written form how this project meets the 8 compatibility objectives as outlined in Section 26-282 of the Development Regulations. This report should be part of the Development Plan submittal.
2. Also as part of the Development Plan, the Applicant should submit:
 - a. A photo-montage as seen from the road that demonstrates the relationship of the proposed development to the road and community;
 - b. Architectural building elevations of all four facades;
 - c. Sign elevations and locations;
 - d. Location and design of lighting standards; and
 - e. Photographs of existing buildings that portray the community's scenic character and demonstrate the compatibility of the proposal with its surroundings.

The graphic material listed above should also be displayed at the Community Input Meeting.

TRANSPORTATION

The handicapped parking spaces should be relocated closer to the entrance of the building.

DESIGN

1. The applicant should refer to the Hereford Community Plan and compatibility objectives in the Comprehensive Manual of Development Policies for refinement of site and architectural design.
2. The recommendations in Appendix C of the Hereford Plan should be used as guidelines for lighting and signage. If variances to sign and lighting regulations are sought, these recommendations shall be used as standards.
3. Section 259.3.C.4 of the BCZR states that "except where physical constraints, site configuration or safety preclude compliance, parking must be accessible to the parking lots of adjacent non-residential uses and zones." Future interconnection of parking lots to adjacent sites should be provided.
4. Signage should be integrated with the building and landscape design and should be graphically and color coordinated. Signage should not be illuminated.
5. A sidewalk should be provided to connect the building entry and parking area to the street sidewalk.
6. How is pedestrian access accommodated for the lower level building area? It may be beneficial to move the building closer to the street to allow for a better configuration of this lower level access.
7. The scale, proportions, massing and detailing of the proposed building should be in proportion to those existing in the neighborhood. Refer specifically to pages 32 through 38 of the Hereford Community Plan.
8. The front of the building should face the street.
9. Street trees should be continued to the south side of the entry drive.

Division Chief: Conor McDaniel

EMcD:bjs

(4)

J

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director August 28, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #62 - Hereford Professional Building
16918 York Road
Zoning Advisory Committee Meeting of August 21, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Forest Conservation Regulations.

Ground Water Management

The proposed re-development of the site has been evaluated for on-site (septic) sewage disposal. Final design of the septic system will be made at the time of building permit approval.

The existing dug well which serves the existing structure will have to be replaced with a well meeting current construction standards. The existing well will have to be backfilled and sealed in accordance with the Maryland State Well Construction Law. A well abandonment report must be submitted to this office.

JLP:TJL:TE:sp

c: Thomas McInnes

HEREFORD/DEPRM/TXTSBP

RECEIVED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

September 8, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
MD 45 (west side)
1618 York Road
Hereford Medical Office Bldg.
Special Exception #62 (CAM)
Mile Post 15.97

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of the concept plan for the subject development, and in our letter to Mr. Donald Rascoe, Development Manager for Baltimore County dated November 11, 1994 we indicated that certain entrance improvements would be required by the State Highway Administration as a condition of plan approval.

Our review of the current plan reveals that our previous entrance improvement comments have been addressed, therefore we have no objection to the subject special exception request as submitted.

If you have any questions, please contact Bob Small at 410-333-1350.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Aug. 28, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for August 28, 1995
Item 062

The Development Plans Review Division has reviewed the subject zoning item. A variance may be necessary for the CR Zone 15-foot buffer along the southern property line. The plan scales only 13 or 14 feet. This buffer space is also designated as a County Access Easement. This may preclude the required landscape buffer content.

The schematic landscape plan must be submitted and approved as a condition of the Development Plan approval.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 21, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 29, 55, 56, 57, 58, 60, 62,
63 & 64.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

November 21, 1995

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception
16918 York Road - Hereford Profession-
al Building, W/S York Road, 180' S of
Monkton Road, 7th Election District -
3rd Councilmanic
PETITIONER: THOMAS A. McINNES
Case No. 96-62-X

Dear Mr. Kotroco:

It has been this office's position, previously communicated to counsel for Petitioner, that a building which exceeds height or other area requirements in the commercial rural district still requires a variance. In other words, BCZR 259.3 does not supersede BCZR 307.1, but must rather be read in conjunction with it.

Upon review of the factual circumstances in this particular case, and its history, we do not believe that the public interest warrants an appeal. In appropriate future C.R. District cases, however, we may raise this issue.

This letter is intended to serve as notice in the file, in the event that any future applicant might otherwise assume our concurrence with the view that BCZR 259.3 dispenses entirely with the law of variances.

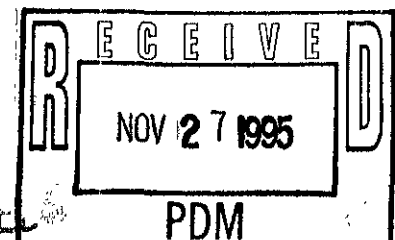
Very truly yours,

Peter Max Zimmerman

PMZ/caf

cc: Howard L. Alderman, Jr., Esq.

- Arnold F. (Pat) Keller, III, OPZ
Kurt A. Kugelberg - PDM
W. Carl Richards, Jr. - PDM



5577-95 WCR



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

November 21, 1995

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception
16918 York Road - Hereford Professional Building, W/S York Road, 180' S of Monkton Road, 7th Election District - 3rd Councilmanic
PETITIONER: THOMAS A. MCINNES
Case No. 96-62-X

Dear Mr. Kotroco:

It has been this office's position, previously communicated to counsel for Petitioner, that a building which exceeds height or other area requirements in the commercial rural district still requires a variance. In other words, BCZR 259.3 does not supersede BCZR 307.1, but must rather be read in conjunction with it.

Upon review of the factual circumstances in this particular case, and its history, we do not believe that the public interest warrants an appeal. In appropriate future C.R. District cases, however, we may raise this issue.

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Very truly yours,

Peter Max Zimmerman

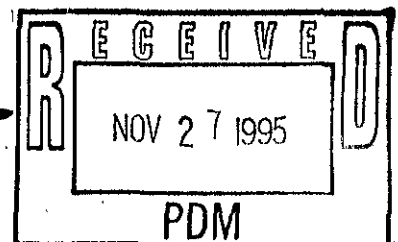
Staff does not agree - - -
PMZ/caf

cc: Howard L. Alderman, Jr., Esq.

Arnold F. (Pat) Keller, III, OPZ
Kurt A. Kugelberg - PDM
W. Carl Richards, Jr. - PDM ✓

WCR
11/30/95

MICROFILMED




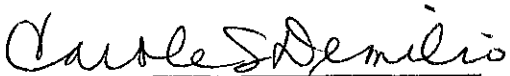
RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
16918 York Road (Hereford Prof. Building, *
fka Hereford Medical Office Bldg.) * ZONING COMMISSIONER
W/S York Road, 180' S of Monkton Road * OF BALTIMORE COUNTY
7th Election District - 3rd Councilmanic *
Thomas A. McInnes * CASE NO. 96-62-X
Petitioner *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

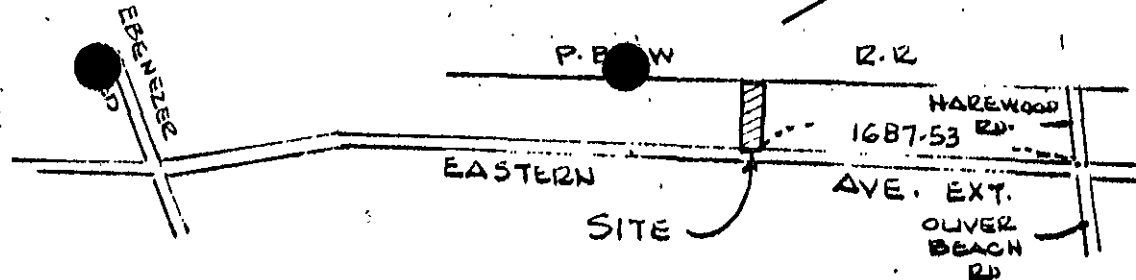

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

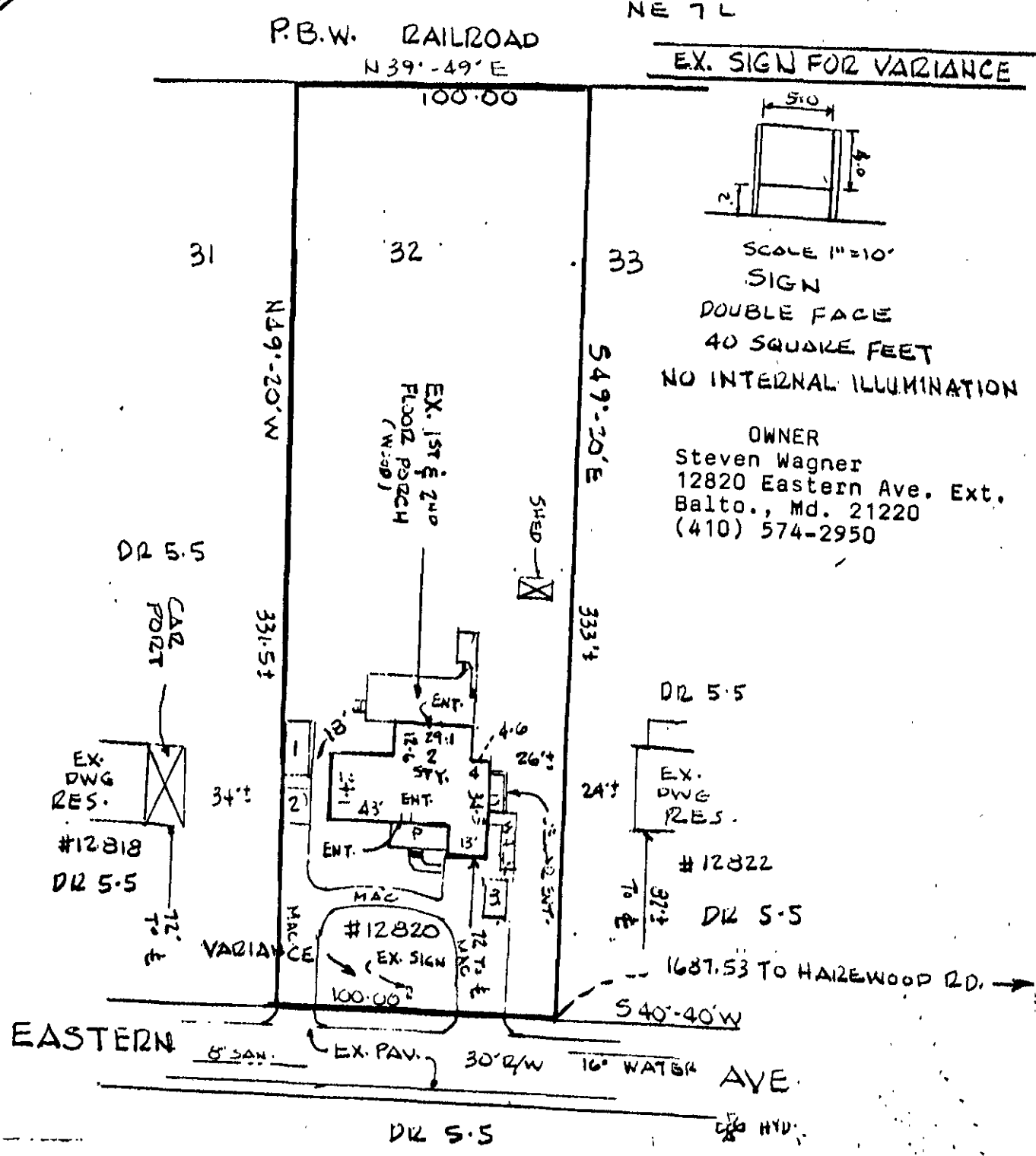
I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard Alderman, Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.


PETER MAX ZIMMERMAN

RECORDED



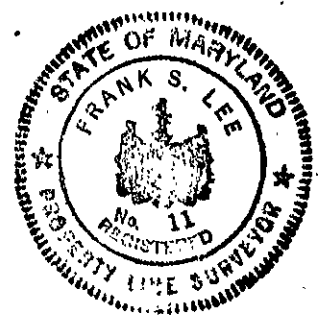
LOCATION MAP
SCALE 1"=1000'
NE 7 L



Existing Use: Class "A" (Elderly) Assisted Living Facility
for a maximum of eight (8) B224 517 ISSUED 11-4-94
Existing Zoning : DR 5.5
Area of Lot: 0.76 acres
5th Councilmatic District
No prior zoning hearings
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOT 32 SECTION 'B'
TWIN RIVER BEACH
PLAT BOOK 8-20
15TH DISTRICT BALTIMORE CO, MARYLAND
SCALE 1"=50'

DATE 10-19-95 #232



FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237

Exhibits

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

Petitioner

NAME

Protestants

ADDRESS

① Redline Plan



MICROFILMED

IN RE: PETITION FOR VARIANCE
N/S Ryerson Circle, 120' W
of the c/l of Wisewell Court
(3204 Ryerson Circle)
13th Election District
1st Councilmanic District

Joseph E. Neet, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-63-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3204 Ryerson Circle, located in the vicinity of Hollins Ferry Road and the Baltimore Beltway (I-695) in Halethorpe. The Petition was filed by the owners of the property, Joseph E. and Sandra L. Neet. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 0 feet for an existing shed and 6 inches for an existing swimming pool, in lieu of the minimum required 2.5 feet for each. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Joseph E. Neet, property owner. Appearing in opposition to the relief requested was Jeannette Caum, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of 2,052 sq.ft., zoned D.R. 10.5 and is improved with a two-story single family, inside group townhouse dwelling. Also on the property is a swimming pool, 12' in diameter, and a shed, approximately 8'1" x 5'2", both of which are located in the rear yard on the east side of the subject property. Apparently, the instant Petition was filed in response to a complaint registered by Ms. Jeannette Caum, the adjoining property owner,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

as to the location of the swimming pool. Mr. Neet testified that he and his wife and three children have resided on the property for the past five years. He testified that the above-ground swimming pool was installed approximately two years ago at which time he advised Ms. Caum of his plans and she voiced no objections. Mr. Neet further testified that the shed existed on the property at the time of his purchase and that to the best of his knowledge, the shed has been on the property for at least the last ten (10) years. Testimony revealed that this property is only 15.5 feet in width at the front property line and 15.6 feet in width at the rear property line. In view of the narrow width of this lot, the requested variances are necessary for the swimming pool and shed.

Ms. Jeannette Caum, the adjoining property owner, appeared and testified in opposition to the swimming pool. Ms. Caum testified that she is recently retired and is now home every day. She testified that the pool has become a nuisance to her in that water has been splashed over into her yard and has killed her grass. Furthermore, due to the additional water spilling over onto her property, her yard has become swampy. In addition, by virtue of the children playing in the pool, toys and floats have accidentally come onto her property requiring the children to come into her yard to retrieve same. Ms. Caum testified that she does not want to tolerate this inconvenience any longer and asked that the Petitioners be forced to maintain the required 2.5 foot setback from the property line adjoining her property. Ms. Caum conceded that the swimming pool did not bother her as much when she was working during the day, but now that she is retired and is home every day, she has begun to suffer from the effects of the swimming pool being located just 6 inches from her property line.

ORDER RECEIVED FOR FILING

Date

By

In support of his request, Mr. Neet submitted as Petitioner's Exhibit 2 a Petition which had been signed by many residents from the surrounding community stating that they have no objections to the variance for this pool. However, it should be noted that none of the residents who signed the Petition live adjacent to the subject property, and therefore, are not directly affected by the location of this pool. It was clear from the testimony and evidence offered that only the adjoining property owner, Ms. Caum, is directly affected by the location of this pool.

It was obvious during testimony that these two neighbors do not get along, to say the least. Testimony revealed that Ms. Caum has threatened to purchase a Pit Bull to keep the children out of her yard and that she has on occasion, kept the toys that have come onto her property and not given them back to the children. In addition, Ms. Caum testified that Mrs. Neet has threatened her in the past with physical harm. It is obvious that whatever decision is reached in this case, the differences that have arisen between these neighbors will not be resolved. With that said, I will concentrate my decision only on the relief requested before me.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

ORDER RECEIVED FOR FILING

Date

By

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering all of the testimony and evidence offered at the hearing, it is my opinion that the Petitioners have failed to satisfy the burden imposed upon them to allow the swimming pool to be located just 6 inches off the property line shared with Ms. Caum. Therefore, insofar as the relief requested for the swimming pool is concerned, that variance shall be denied. It would not be possible to grant that variance without the adjacent property owner suffering adverse consequences by reason of the variance. However, I do not believe that the Petitioners should be required to eliminate the swimming pool altogether. This pool was purchased two years ago, and has provided recreational activity for the Petitioners' three children since that time. It allows the children to play in their own yard, close to home in the summer months. As previously stated, it is not possible for the swimming pool to remain in the yard without a side yard variance being granted. Given the strong opposition from Ms. Caum, no variance shall be granted from her property line. However, I will entertain a modified variance of 1 foot from the western property line, provided the neighbor on that side does not object. Therefore, I will allow the Petitioners thirty (30) days from the date of this Order to submit written approval from that neighbor that they have no objections to the swimming pool being relocated to 1 foot from their property line. In the event that neighbor objects to the modified variance offered herein, then the Petitioners shall have no alternative but to disassemble and remove the swimming pool from their property.

As to the variance relief sought for the shed, Ms. Caum was not opposed to the location of the shed, due to the fact that the Petitioner installed a make-shift gutter on the shed to prevent water from running off onto her property. Therefore, inasmuch as the location of this shed poses no adverse consequence to Ms. Caum, it shall be permitted to remain in its present location, as it has for the past 10 years.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1995 that the Petition for Variance seeking relief from Section 400.1 of the B.C.Z.R. to permit a side yard setback of 6 inches in lieu of the minimum required 2.5 feet for an existing swimming pool, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 0 feet in lieu of the minimum required 2.5 feet for an existing shed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order in which to obtain and submit written approval from their neighbor on the west side that they would not object to a variance of 1 foot from their property line for the relocation of the Petitioners' swimming pool. In the event that neighbor objects to the modified variance offered herein, then the Petitioners shall have no alternative but to remove the pool from the premises; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order in which to file an appeal of this decision.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 11/13/13
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 5, 1995

Mr. & Mrs. Joseph E. Neet
3204 Ryerson Circle
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
N/S Ryerson Circle, 120' W of the c/l of Wisewell Court
(3204 Ryerson Circle)
13th Election District - 1st Councilmanic District
Joseph E. Neet, et ux - Petitioners
Case No. 96-63-A

Dear Mr. & Mrs. Neet:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Jeannette Caum
3202 Ryerson Circle, Baltimore, Md. 21227

People's Counsel

File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3204 Ryerson Circle
which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to permit a 0' and 6" lot line setback in lieu of 2.5' for a shed and pool, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1) Compliance with Zoning Regulation of 5.5' from property line would be unreasonable to meet due to width of yard, which is 15' wide.
2) Shed was existing on property when residence was purchased and we were not aware of the zoning regulations.
3) By not granting us the Variance would be an injustice to us as well as other property owners in this district who are not in compliance as well.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3204 Ryerson Circle 247-5593
Address Phone No.

Balto. Md. 21227
City State Zipcode
Name, Address and phone number of representative to be contacted.

Joseph E. Neet
Name
3204 Ryerson Circle 247-5593
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JNA DATE 8-11-95

POST BY 8-20-95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

MICROFILMED



Zoning Description

Zoning Description For 3204 Ryerson Circle

Beginning at a point on the North side of Ryerson Circle which is 60' wide at the distance of 120' west of the centerline of the nearest improved intersecting street, Wisewell Court, which is 90' wide.

Being Lot # 41, Block E, Section II in the subdivision of Patapsco Terrace as recorded in Baltimore County Plat Book #28, Folio #104, containing 2,052 square feet or 0.4 acres.

Also known as 3204 Ryerson Circle and located in the 1st Election District, 13th Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-63-A

District: 1st Date of Posting: 8/2/95
Posted for: Variance
Petitioner: Joseph & Sandra Neit
Location of property: 3204 Ryerson Circle, N/S
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 9/8/95
Number of Signs: 1



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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-63-A
(Item 63)
3204 Ryerson Circle
N/S Ryerson Circle, 120' W
of c/ Wisewell Court
1st Election District
1st Councilmanic
Legal Owner(s):
Joseph Edward Neet and
Sandra Lynn Neet
Hearing: Wednesday,
September 20, 1995 at
2:00 p.m. in Rm. 118, Old
Courthouse.

Variance to permit a zero foot and 6-inch lot line setback in lieu of 2.5 feet for a shed and pool, respectively.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
8/345 Aug. 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN,

A. H. Hamilton
LEGAL AD. - TOWSON

MICROFILMED

COUNT

95 NOV 21

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-63-A

District 13th

Date of Posting 11/18/95

Posted for: Appeal

Petitioner: Joseph E. Neat, et al

Location of property: 3204 Ryerson Circle

Location of Signs: Facing road way on property being appealed
for zoning

Remarks: _____

Posted by M. Healy
Signature

Date of return: 11/24/95

Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

#63

No.

514

10/1/95

DATE 5-11-95 ACCOUNT R-001-C130

AMOUNT \$ 85.00

RECEIVED FROM: JOSEPH & SANDRA NEAT
3204 RYERSON CIRCLE

OIC R. D. VAN. 1-56
OSC 1-35

FOR: CELANO

MICROFILMED

03A03ND17DMICHR

BA C010:27AM08-11-95

85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

SIGN POSTED BY 8-20

BALTIMORE CO. TY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 105642

DATE 11/03/95 ACCOUNT R001-7120

AMOUNT \$ 210.00

RECEIVED FROM: Joseph and Sandra J. Nut

FOR: Appeal, Deputy zoning Commissioner
(3204 Lyman Circle)
Office of Baltimore City, Case # 96-63A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

BALTIMORE CO. TY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 105642

DATE 11/03/95 ACCOUNT R001-7120

AMOUNT \$ 210.00

RECEIVED FROM: Joseph and Sandra J. Nut

FOR: Appeal, Deputy zoning Commissioner
(3204 Lyman Circle)
Office of Baltimore City, Case # 96-63A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

03A71A0299MCHRI
BA CV11-3204-03-95-1176-63A

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 63

Petitioner: Joseph Edward Neel

Location: 3204 Ryerson Circle Balto. Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph Edward Neel

ADDRESS: 3204 Ryerson Circle Balto. Md. 21227

PHONE NUMBER: 247-5593

AJ:ggs

63

(Revised 04/09/93)

MICROFILMED



Printed on Recycled Paper

SMA- 13

TO: PUTUXENT PUBLISHING COMPANY
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph and Sandra Neet
3204 Ryerson Circle
Baltimore MD 21227
247-5593

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-63-A (Item 63)
3204 Ryerson Circle
N/S Ryerson Circle, 120' W of c/l Wisewell Court
1st Election District - 1st Councilmanic
Legal Owner: Joseph Edward Neet and Sandra Lynn Neet
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a zero foot and 6-inch lot line setback in lieu of 2.5 feet for a shed and pool, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-63-A (Item 63)

3204 Ryerson Circle

N/S Ryerson Circle, 120' W of c/l Wisewell Court

1st Election District - 1st Councilmanic

Legal Owner: Joseph Edward Neet and Sandra Lynn Neet

HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a zero foot and 6-inch lot line setback in lieu of 2.5 feet for a shed and pool, respectively.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph and Sandra Neet

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 8, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-63-A

JOSEPH E. NEET, ET UX -Petitioner
N/s Ryerson Circle, 120' W of the c/l of
Wisewll Court (3204 Ryerson Circle)
13th Election District
1st Councilmanic District

VAR -To permit lot line setback of 0' for
existing shed and side yard setback of 6" for
existing swimming pool, in lieu of min. req'd
2.5' for each.

10/05/95 -D.Z.C.'s Order in which Petitions
for Variance GRANTED in part (shed); DENIED in
part (pool).

ASSIGNED FOR: TUESDAY, MAY 7, 1996 at 10:00 a.m.

cc: Mr. & Mrs. Joseph E. Neet Appellants /Petitioners

Ms. Jeannette Caum Protestant

People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 13, 1995

Mr. and Mrs. Joseph E. Neet
3204 Ryerson Circle
Baltimore, MD 21227

RE: Item No.: 63
Case No.: 96-63-A
Petitioner: J. E. Neet

Dear Mr. and Mrs. Neet:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 28, 1995
 Zoning Administration and Development Management

FROM: *Sub* Robert W. Bowling, P.E., Chief
 Development Plans Review

RE: Zoning Advisory Committee Meeting
 for August 28, 1995
 Items 055, 056, 063, and 064

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 8/21/95

DATE: 8/30/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

29
35
57
58
61
63
5

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 21, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 29, 55, 56, 57, 58, 60, 62,
63 & 64.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-16-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 063 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 17, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 29, 52, 55, (63), and 64.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Kerns

PK/JL

RE: PETITION FOR VARIANCE
3204 Ryerson Circle, N/S Ryerson Cir,
120' W of c/l Wisewell Court
1st Election District, 1st Councilmanic

Joseph E. and Sandra L. Neet
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-63-A

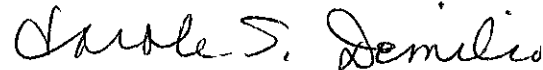
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



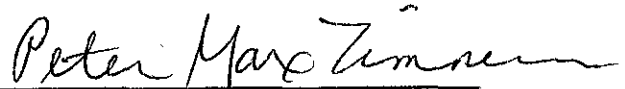
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to Joseph E. and Sandra L. Neet, 3204 Ryerson Circle, Baltimore, MD 21227, Petitioners.



PETER MAX ZIMMERMAN





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

November 3, 1995

Ms. Jeannette Caum
3202 Ryerson Circle
Baltimore, MD 21227

Re: Petition for Variance
N/S Ryerson Circle
120' W of the c/l of
Wisewell Court
13th Election District
1st Councilmanic District
Joseph E. Neet, et ux -
Petitioners
Case No. 96-63-A

Dear Ms. Caum:

Please be advised that an appeal of the above-referenced case was filed in this office on November 2, 1995 by Mr. and Mrs. Joseph Neet. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: People's Counsel

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

November 3, 1995

Ms. Jeannette Caum
3202 Ryerson Circle
Baltimore, MD 21227

Re: Petition for Variance
N/S Ryerson Circle
120' W of the c/l of
Wisewell Court
13th Election District
1st Councilmanic District
Joseph E. Neet, et ux -
Petitioners
Case No. 96-63-A

Dear Ms. Caum:

Please be advised that an appeal of the above-referenced case was filed in this office on November 2, 1995 by Mr. and Mrs. Joseph Neet. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: People's Counsel

95 NOV -7 10:09:33



APPEAL

Petition for Variance
N/S Ryerson Circle, 120' W
of the c/l of Wisewell Court
(3204 Ryerson Circle)
13th Election District - 1st Councilmanic District
Joseph E. Neet, et ux - Petitioners
Case No. 96-63-A

Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petition for Zoning
Variance
2 - Petition to Accompany Petition for
Zoning Variance

26 Photographs (Not Market as Exhibits)

14 Page Letter, ZAC Comments, and One Photograph to Timothy
Kotroco, from Mr. and Mrs. Joseph Neet dated October 24, 1995

Letter to Mr. and Mrs. Joseph Neet from Timothy M. Kotroco dated
October 30, 1995.

Deputy Zoning Commissioner's Order dated October 5, 1995 (Granted
in Part and Denied in Part)

Notice of Appeal received on November 2, 1995 from Mr. and Mrs.
Joseph E. Neet, et ux - Petitioners

cc: Mr. and Mrs. Joseph E. Neet, 3204 Ryerson Circle, Baltimore,
MD 21227
Ms. Jeannette Caum, 3202 Ryerson Circle, Baltimore, MD 21227
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy M. Kotroco,
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

2/08/96 -Notice of Assignment for hearing scheduled for Tuesday,
May 7, 1996 at 10:00 a.m. sent to following:

Mr. & Mrs. Joseph E. Neet
Ms. Jeannette Caum
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/06/96 -CER sent Board's rules to Robert Rody, Esquire (by FAX 539-
2247), attorney for Ms. Caum /Protestant.

5/07/96 - Hearing had; deliberated at conclusion of same; D -Petition
for Variance (K.L.C.). Written Opinion/Order to be issued;
appellate period to run from date of that written Order.

MICROFILMED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joseph E. Neet, et ux -Petitioners
Case No. 96-63-A

DATE : May 7, 1996 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Lawrence M. Stahl (LMS)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Those present at this deliberation included Petitioner, Joseph E. Neet; Robert S. Rody, Esquire, on behalf of Protestant, Jeannette Caum, and Ms. Caum. The Office of People's Counsel did not participate in these proceedings.

KKH: We are now here to deliberate Case 96-63-A, Joseph E. Neet, et ux, Petitioner, north side Ryerson Circle for a variance to permit a lot line setback of 0' for existing shed and 6" for the existing swimming pool in lieu of the minimum required 2.5' for each. As stated before, we are here pursuant to Zoning Commissioner's Order in which Petitions for Variance were granted as to the shed and denied as to the pool, dated October 5, 1995. I will say that the only issue for deliberation today is that of the pool insofar as the shed has already been approved. No appeal was taken from and the shed is as properly varianced at this point.

LMS: I usually begin deliberations in public with railing for a few moments about how I don't like the process of doing this in public. However, there is an exception that proves every rule; this is one of them.

This is a troubling question for me, for personal as well as life reasons. It's not a difficult question, unfortunately, for one side or the other, in terms of the law. We are here not to determine whether or not the Protestant and Petitioners get along or whether they like to or not use their property in a friendly or obnoxious way; only as under existing laws and ordinances of Baltimore County and the State of Maryland, can a variance as requested be granted.

The controlling law is a case known as Cromwell v. Ward, which is a 1995 Court of Appeals decision, and it states that since a variance is, in fact, saying you can do something not generally allowed, you have two tests which you must in fact meet. You must meet the first test before going to the second. First, is that the property in question must be unique in the neighborhood; that by reason of its size, shape,

use, interdiction by other roads, prior zoning, or some other factor, that it is a property unlike the others in the area, such that if it is in fact unique, that you are then allowed to go to the second question; presuming that it is unique, that strict compliance would result in practical difficulty or unreasonable hardship.

Unfortunately for the Petitioners, frankly out of Petitioner's own testimony several times, there is no issue as to whether or not this is a unique property in the area. Most certainly it is not unique in the area. There was uncontradicted testimony. That being the given, we do not reach the second question from legal point of view because the first test has not been met in any way, and in fact, the opposite has been affirmed out of testimony provided by the Petitioner himself. Having said that, obviously moving the pool is a requirement, and, in essence, I come to the same conclusion as they did below -- that it in fact does not deserve under the laws that we must determine, and under case law -- it does not qualify for a zoning variance.

There is a reason why I am glad there is open deliberation, because to leave it there would be a disservice. Having resolved the legal issue, and having resolved whether or not it is to be granted -- an advantage of the bench is the opportunity to provide dictum -- a discussion of issues that we think are important but that do not ultimately bear on the legal issue. Having dealt with the issue, I fear that this morning has made things ultimately worse than they might have been beforehand. Two neighbors who will continue to be neighbors- we have two families that in fact will come out of here to some degree unhappy. Because certainly Petitioners will be unhappy - to move or downsize their pool - because of ruling of this Board. By the same token, they will still wind up with a pool at some different location and dimension, presumably. Whether or not they will continue to barbecue and have noise is not relevant today or to the variance -- that's a legal use of the property. The Protestant has won the day; however, presuming that the Petitioner now downsizes the pool or moves it the requisite distance, I fear that what will result will be many, if not all, of the same problems that existed continuously -- noise, spillage, children, items over the fence; the difference will be that all of those things will then be ultimately legitimate, presumably, and within the rights granted to the Petitioners.

So, ultimately, I don't know if the Protestant wins either. There was discussion of a 6' fence; harkened back to "good fences make good neighbors." I wonder aloud whether some way might be found to have a fence built high enough that may

still, upon reflection, be a better result than the one the law mandates. Even if the pool were in the same position, could resolve runoff, spillage and things going over the fence. This is not a decision to be made today. What we have here today is a problem of demographics. I've seen it recently in my own life and family members. A neighborhood was built a number of years ago, in another time in society. Built close on the premise that the neighbors could continue to utilize things with gentility; different times now. Moreover, there are, and Mr. Rody put his finger on it, no bad people here; just people with different perceptions and needs. Petitioners with young children with needs generated by those demographics to provide children. The Protestant does not have small children; is retired; desires and perceives different quality of good life for her time and station in life; and is entitled to that also.

It's not that one is right and one is wrong; just different. A means should be found to reconcile those differences because the simple resolution of today's legal issue will not do that. If you both go from here and life is no better, then ultimately you both are losers, and the system has served neither of you. The system can only do what it does; it leaves it to those who live to deal with their small piece of the world.

I have pontificated more than I ever thought possible; will reiterate that the variance should be denied; that the strictures of Cromwell have not been met.

CLM: I always wish that I could speak as eloquently as my compatriot on the bench; my thoughts completely. This Board listens to testimony and evidence and determines if the law has been complied with. We do not make the law; it's made by the County Council. When the laws are enacted - this is what they thought to be beneficial for the health, safety and general welfare of existing communities. As my fellow Board member has indicated, we are guided by specific rules and regulations; also cases by Court of Special Appeals and Court of Appeals, one of which is Cromwell v. Ward, a very recent decision. Lot in question must have unique or unusual characteristics; if not, then the Board has no alternative but to deny the variance requested.

This is a very simple one -- townhouses that basically blend in with the community. Based on the testimony and evidence, there is nothing unique. Obviously, the request must be turned down.

I do agree with Larry's comments concerning the fact that we

can make those legal decisions, but basically, if we are going to exist as neighbors, we must learn to get along together, either with a townhouse or if acreage separated us. As far as the law is concerned, it is very clear- I don't believe the Board has any other rule to follow except to deny the variance.

KKH: I'm going to have to agree as well. I do think we are constrained by Cromwell v. Ward; absolutely nothing - Testimony of Mr. Neet and Mr. Edwards makes it clear that there is nothing unique about these homes. Because of that, they do not satisfy burden of proof on the variance.

I do, like Larry, feel compelled to speak because the testimony today did little to mend fences. We saw some relationships perhaps degenerate still further. It reminds me of differences where you tell people they are better off settling because if you try the case, people hear things they don't want to hear; may be true but no one feels better, and still must deal with each other. Here you are now; heard feelings expressed, we will make ruling; agree that law simply does not permit us to award variance, yet you will have to live together as neighbors. Heard a lot - and my focus will be on the children; I do think many mistakes were made and if everybody can learn from that, better off.

1) The pool was put up without knowledge of zoning law. Bells should go off; and I understand you see many offending neighbors, but just because someone does it, that does not make it right. Look at the zoning laws, whether you are putting up a fence, pool, etc. The pool was put up incorrectly; not relevant what other neighbors do. In fact, with a townhouse, it makes following laws more important.

The Neets did not successfully obtain Ms. Caum's approval, or she did not register her disapproval in a timely fashion. Whatever the cause - a mistake led to this breakdown in communication and feelings of ill will. I can understand the anger on both sides, and anger at yourselves for failing to say something.

2) Not obtaining neighbors approval.

While Mr. Neet is incorrect as to the law, action of neighbors is irrelevant as to what the law means, but relevant to how you experience life as neighbors and what your children see. The case could have been settled well before this with a little give or take.

Ms. Caum has as much right to enjoy her property as to you -

Deliberation /Joseph E. Neet, ut ux /96-63-A

but as to the children, provide not only a pool, but also examples for them. Pools keep kids off the streets; laudable purpose. But a small pool could serve the same purpose. Let the children see good citizenship; example - taking steps or talking with Ms. Caum to put up fence. It has nothing to do with the law; I lived in a townhouse community. It's always sad to see this kind of situation where you have to go to Court and one person sits on rights.

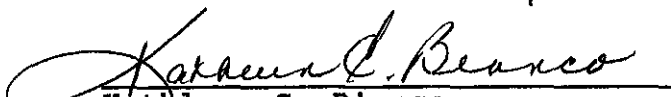
If you do observe the rules and put in a smaller pool or move the pool, Ms. Caum will still have the same complaints; extra 6" difference. Neither will be terribly happy with resulting decision.

We do have agreement. We will be issuing an opinion still granting variance for the shed and denying variance for the pool. The aggrieved party will have 30 days from the written Opinion from which to file an appeal to the Circuit Court, if you so desire.

That closes our deliberation process. We appear to be in consensus. Will be issuing decision promptly.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Administrative Assistant

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 30, 1995

(410) 887-4386

Mr. & Mrs. Joseph Neet
3204 Ryerson Circle
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
Request for Reconsideration
Case No. 96-63-A

Dear Mr. & Mrs. Neet:

In response to your letter dated October 24, 1995 in which you have requested I reconsider my decision in the above-captioned matter, the following comments are offered.

While I am appreciative of the arguments presented in your letter and your belief that the variance requested in this case meets the criteria set forth in the B.C.Z.R., I am compelled to deny your request for reconsideration and must stay the Order issued on October 5, 1995. The fact of the matter is that the swimming pool you selected is simply too big to fit in your rear yard without the need for a variance. Thus, in my opinion, the hardship and practical difficulty you observed is self-created.

I understand that there are other property owners in your community who have similar situations such as yours; however, those properties were not at issue before me. Based on the testimony and evidence presented at the hearing by Mrs. Caum, it is clear that your swimming pool has been detrimental to her peaceful enjoyment of her property and has negatively impacted her quality of life. Furthermore, it does not appear that your neighbor on the other side is agreeable to having the pool relocated to her side of your property, nor are you willing to relocate your sidewalk as would be required with this option. Unfortunately, under these circumstances, I cannot justify a reconsideration in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A;
96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

MICROFILMED

October 24, 1995

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Mr. Timothy Kotroco,
Deputy Zoning Commissioner
for Baltimore County

RE: Petition for Variance
Case Number 96-63-A

Dear Mr. Kotroco,

I am writing this letter to you on behalf of my husband and myself regarding the above mentioned Case number. We had a hearing on September 20, 1995 for this case to allow us a Variance of 6 inches for our pool instead of the required 2.5 feet. Your decision, which we received on October 7, 1995 denied us this Variance for our pool but granted the Variance of 0 foot for our shed. We appreciate the Variance for the shed but based on your decisions for denying us the Variance for the pool which is much more important to us and our children we would like to ask you to reconsider your decision.

MICROFILMED

Our reasons for asking that you reconsider is that we feel this decision has been based more on character judgement than

on our proof that we do meet the criteria #1) which would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome. Our reason we feel we do meet this is the fact that we showed you through drawings and photos the size of our yard only being 15.6' wide. Our pool is 12 ft round. This leaves little room to walk in our yard. You gave us an option of moving the pool to the West side of our yard 1 foot from the property line if okayed by our other neighbor. This in itself puts us into Criteria #1 because if we put the pool on the west side of our yard the pool would then be on our sidewalk. Even if we dug the pool (which 2 foot of the pool is in the ground because our yard has a slight downgrade) up & the sidewalk up & moved the pool to that side of the yard this would make it unnecessarily burdensome & we would not be able then to exit our yard. The reason being: we would then have a sidewalk on the East side of our yard which at the end of the East side is our shed. Therefore, our sidewalk would dead end into the shed. How would we get past the pool and the shed to get out of our yard? Also, I would lose not only the sidewalk but my clothesline as well. If God Forbid we had a fire in my home my family would have to climb across a 12 x 4 ft pool to get out into the alley. Not only is this extremely costly, it is also

unfair to the neighbor on the West side of us. She uses her yard to park her vehicle, has 2 cats and sits in her yard, unlike Ms. Caum who is opposed to our pool who never goes into her yard except to cut her lawn.

We also feel that the fact that the pool had already been there for 1 year while Ms. Caum was working at that time should count for something on our side. She stated at the hearing it didn't bother her then. If she has been suffering such an inconvenience because of our pool why didn't she make a complaint that whole summer? If her grass was so swampy from the pool how did she cut her lawn all last summer? The pool then and still now has never hindered her from cutting her lawn. She also stated she cannot have a cookout or sit in her yard because of our pool but she failed to mention she does not, now or never, has had in her yard, patio furniture, a grill or picnic table. Her yard is set up different from ours, we never had a parking pad. We have a patio with an awning under which we have a picnic table next to the fence that adjoins our properties. Her parking pad is approximately 3 feet next to where our pool is located. She always parks on the street and would you put patio furniture on a parking pad? She still has room for furniture as you can see by the pictures I took of her yard - This would be no where near the vicinity of the pool where she

could be wet from our pool.

As you can also see by the pictures, she has hung a bird feeder on her clothespole. This causes bird droppings & bird seeds to be in my yard and on my picnic table. When I let her know in a civil way that I didn't appreciate this, she stated "That's tough". I don't believe you understand what kind of person we are living next to.

We feel we also meet Criteria #2 which would be a substantial injustice to us because we do not know as of this date what we have done to Ms. Caum to deserve all this. She has led you to believe we have not gotten along since she moved here which is untrue. Last summer my husband helped her with her lawn mowers and a friend of my husband's bought a lawn mower from her that she wanted to sell. Last winter I voluntarily shoveled her sidewalk for her knowing she has no one visit or help her. All this apparently stemmed from her complaint to us about water running off our shed into her yard, at which time my husband put up a rainspout and tarred the roof. After a disagreement over the shed, at which time she did not mention anything to us about water in her yard from our pool, was when she called the County Zoning Office. Had she told us she had a problem then with the pool we would have done something to correct that problem such as a 6 foot privacy fence to please her just as we did with the shed.

She brought up at the hearing that I threatened her with physical harm which should have nothing to do with requesting a Variance for a pool. However, she did not mention that this occurred after an argument between myself and her about calling the County on us. After minutes into the argument she accused me of beating my children all day. I am sure you would not appreciate such slander and in turn would say things unintentionally to retaliate and defend yourself as I did.

She put up a No Trespassing sign on her fence, not to be protecting herself from getting sued if my children go into her yard to retrieve floats as she stated, but only after seeing myself in her yard to retrieve a float. The day this occurred she had to be watching out her window while my children were in the pool because how can a person who has Central Air Conditioning on with all her windows closed hear someone walking on grass to retrieve a float?

Through all this we wonder how you can say she is the one suffering adverse consequences. Where is her suffering? It's only a pool that is used 2-3 months out of a year. My children when in the pool are not allowed to play volleyball or jump off the ladder for fear of anything going in her yard or to avoid alot of splashing. That's unfair to them as children when they are in their own yard, and now have to take it down, so it's fair

to my children to watch everyone else be in their pool? Even if we moved or removed the pool suppose I put up a 2 foot pool or ran a sprinkler in the summer. Water would still go on her lawn and more so from a sprinkler than a pool. We don't see where she proved to you that water killed her grass. Not during a summer where we had a record breaker for hot days with no rain. I believe the sun this summer and lack of water killed her grass. If this was what you based your decision on what happened to her grass last year? Why would this year be any different?

We were told by the Zoning Office when we applied for the Variance package this would be an informal hearing. It turned out to be more like a trial only you did not ask her why for example she was threatened or ask her besides pictures of dead grass where was her proof that she is suffering from a pool. We could have gotten into all this at the hearing and believe me I was holding my tongue especially after she lied about my children bending her fence. But my husband and I didn't realize we were supposed to go in there & lie and bring up problems between us as neighbors. We were under the impression this was to be solely based on the facts regarding the size of our yard. We were also advised by the Zoning Office to get a Petition from neighbors. 20 of our neighbors voluntarily, because they believe

This whole thing is ridiculous signed it on our behalf. The Zoning Office said this would help but we want to know why it didn't seem like to you it mattered a hill of beans. Why didn't that count for anything? Also even the suggestion that she made about the petition, that we threatened those 20 people into signing that should have let you know what kind of person Ms. Caum is. That in itself is ludicrous.

We also would like to know why, when we mentioned a 6 foot privacy fence at the hearing you did not put this in as an option. She sits there and says "It won't fit". I had no idea she was a contractor. Why would we suggest it if it wouldn't fit. I spoke to Mr. Carl Richards this past week and he suggested we go over and ask Ms. Caum if a 6 foot fence would solve the problem and if so we could ask you for a modification. My husband, against his better judgement and knowing what type of person she is went to her and asked. She gave him no answer right away. He waited 2 days to let her think it over and Sunday, October 22, 1995 asked her again. Her only reply was "It's out of my hands". Well, since she didn't say no and it's out of her hands we are asking you to please reconsider your decision which I was told by Mr. Carl Richards this morning during a phone conversation with him that I could do this. He stated it should

be prepared by an Attorney, however my husband and I are not able financially to afford what an Attorney wants. He also stated we have the Right to Appeal which we certainly plan to do.

We would just like to live in our home, enjoy our yard a couple months during the summer and keep our children happy and safe in their own yard. We are not out to break any laws or never meant to incourage anyone. We have lived here 5 years and never had a problem with anyone until now. We would certainly appreciate you taking the time to read this letter and to help us work something out as to where we feel we are also being fairly treated as Ms. Caum would like to be.

Sincerely
Mr. & Mrs. Joseph Neft
3204 Rejerson Circle
Baltimore, MD 21227

BALTIMORE COUNTY DEPT.
OF PERMITS AND DEVELOPMENT MGMT.

DEVELOPMENT PROCESSING
COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVE.
TOWSON, MD. 21204

ATTN: MR. ARNOLD JABLON, DIRECTOR
RE: CASE # 96-63A- PETITION FOR VARIANCE
VARIANCE TO PERMIT A ZERO FOOT AND 6-INCH LOT LINE SET BACK IN
LIEU OF 2.5 FEET FOR A SHED AND POOL, RESPECTIVELY.

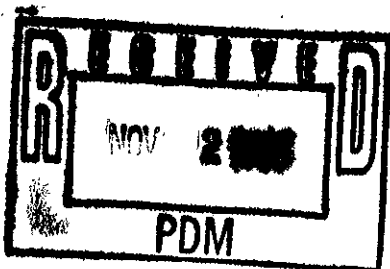
DEAR MR. JABLON,

OCT. 25, 1995

WE ARE WRITING THIS LETTER TO YOU REGARDING THE
ABOVE MENTIONED CASE NUMBER. WE WENT TO A HEARING REGARDING
THIS PETITION FOR VARIANCE ON SEPT. 20, 1995 AND RECEIVED THE
DECISION BY MAIL ON OCT. 7, 1995 FROM MR. KOTROCO, DEPUTY ZONING
COMMISSIONER. WE WERE GRANTED THE VARIANCE FOR THE SHED, BUT
DENIED THE VARIANCE FOR THE POOL. BASED ON MR. KOTROCO'S
REASONS FOR DENYING THE VARIANCE WE WISH TO APPEAL THIS
DECISION.

ATTACHED IS OUR CHECK FOR \$210.00 TO FILE THIS
APPEAL. WE WOULD APPRECIATE ANY FURTHER INSTRUCTIONS WE NEED
ON WHAT NEEDS TO BE DONE TO FOLLOW THROUGH WITH THIS APPEAL.

SINCERELY,
MR. & MRS. JOSEPH NEET
3204 RYERSON CIRCLE
BALTIMORE, MD. 21227



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PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

2/227

JEANNETTE CAUM

3202 RYERSON CIRCLE



MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Joseph E. Neet

ADDRESS

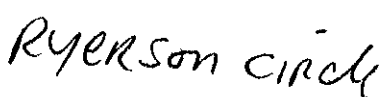
3204 Ryerson Circle Bldg. 2027



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1# 1/10/10

900 party Address 3204 Eyleson Circle
Subdivision Name PATAPSCO TERRACE
plot book # 28 folio 104 lot # 41 section
owner Joseph + Sandra Niet



Map Velocity

MAILED
MICROFILMED

13th

Zoning: D.R. 10.5

2.032

ACNEAGE SQUARE FOOT

☒ Scher

पुस्तिका

water ☒

□

Chesapeake Bay Critical Area

□

☒

Pair Zoning Hearing: None

Zoning office use only

Reviewed by: IFM # CASE #

505

W.

CASE #

PETITIONER'S

EXHIBIT 2 PETITION

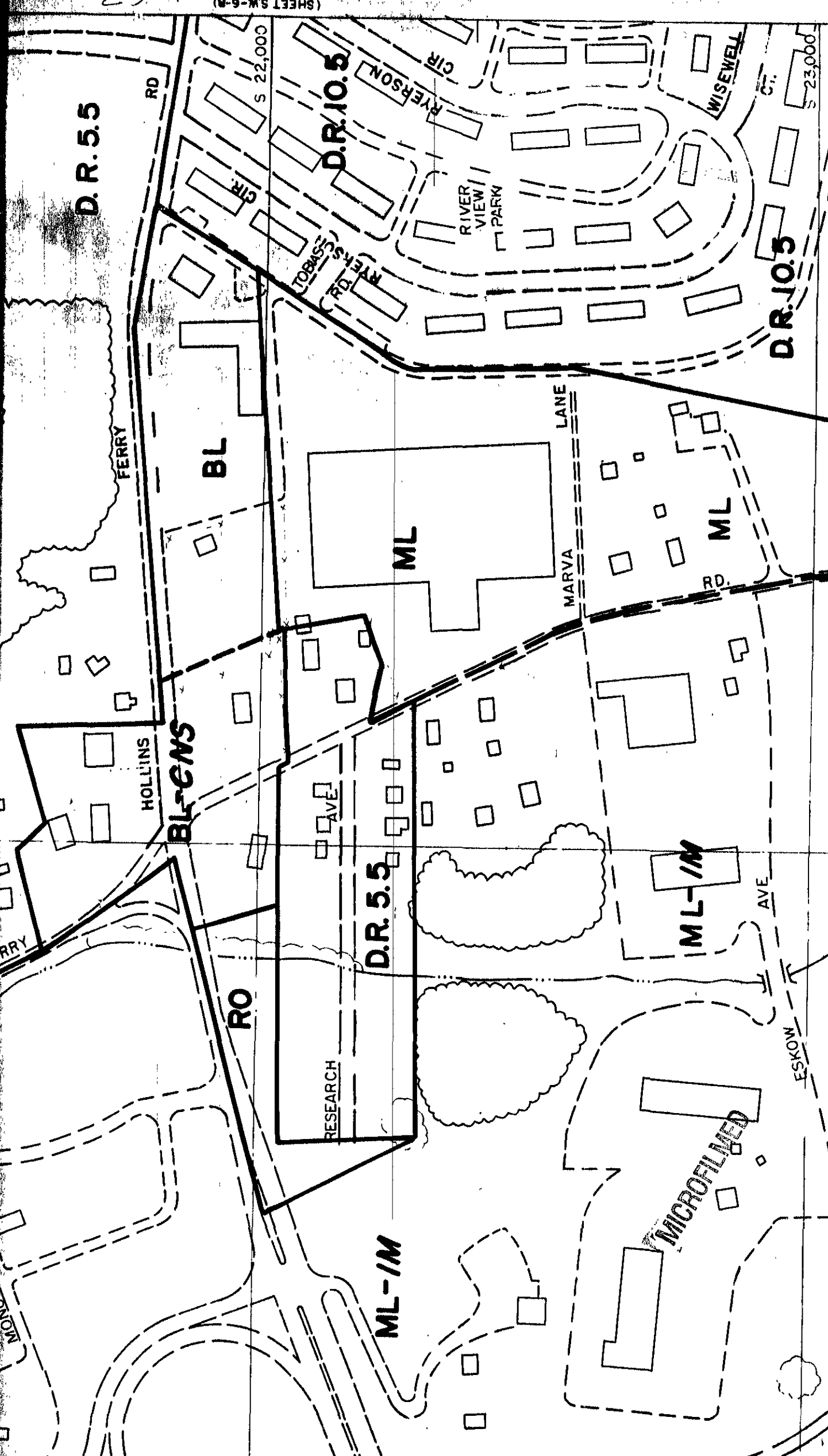
P#2

P#2

We, the undersigned, living in the neighborhood of Ryerson Circle, Baltimore County, MD, have no objection to the existing swimming pool and shed at 3204 Ryerson Circle.

| | NAME | ADDRESS | PHONE # |
|----|-------------------|---------------------|----------|
| 1 | Buscemi | 3168 Ryerson Circle | 247-0018 |
| 2 | Leblanc Thomas | 3166 Ryerson Circle | 242-6318 |
| 3 | Susan Lynn | 3216 Ryerson Circle | 242-7841 |
| 4 | Chickie Bussard | 3209 Ryerson Cir | 247-0090 |
| 5 | Scott Fowler | 3210 RYERSON CIR | 242-6788 |
| 6 | Sandra Moore | 3207 Ryerson Circle | 247-5610 |
| 7 | Chris Coates | 3240 Ryerson Circle | 247-2162 |
| 8 | Pat Schmucke | 3283 Ryerson Circle | 242-0352 |
| 9 | Gold Campardo | 3170 RYERSON CIRCLE | 247-2793 |
| 10 | Lina Green | 3214 Ryerson Cir | 242-2611 |
| 11 | Michael Smith | 3218 Ryerson Cir | 247-5024 |
| 12 | Pat Stup | 3220 Ryerson Circle | 247-0781 |
| 13 | John Flagg | 3208 RYERSON CIRCLE | 247-1869 |
| 14 | Paula Brown | 3203 RYERSON Circle | 242-2354 |
| 15 | Dr. Roy | 3135 Ryerson Circle | 536-1881 |
| 16 | James Roy | 3135 Ryerson Circle | 536-1881 |
| 17 | Arlene Linton | 306 Wisewell Ct | 247-4351 |
| 18 | Dan F. Brown | 3120 Ryerson Circle | 247-4213 |
| 19 | George C. Station | 301 Wisewell Court | 247-1107 |
| 20 | Bernadette Thomas | 3150 Ryerson Cir | 247-4296 |

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D.R. 5.5

D.R. 10.5

D.R. 10.5

BL

ML

ML

BL-CNS

D.R. 5.5

ML-1/M

ML-1/M

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FERRY RD

HOLLINS AVE

RESEARCH AVE

MARVA LANE

AVE

ESKOW

S 22,000

S 23,000

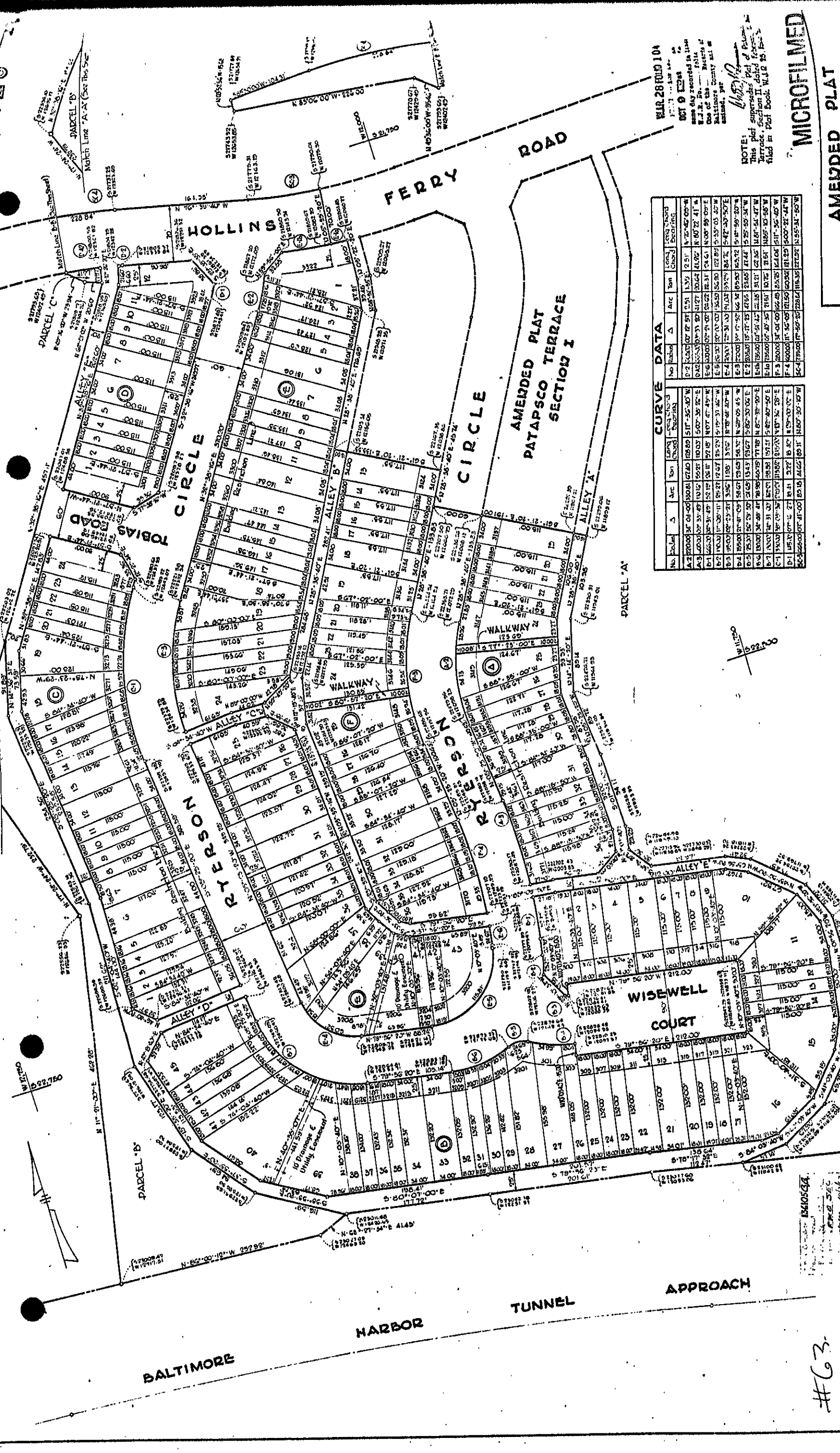
TOBACCO

RD

RIVER VIEW PARK

RYERSON CIR

WISEWELL CIR



| CURVE DATA | | | | | | | | | |
|------------|----------------|-----|------|------|------|-------|------|-----------|----------|
| No. | Stationing | Δ | Ac | Tan | Long | Chord | Area | Perimeter | Remarks |
| 1 | 10+00 to 10+50 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 1 |
| 2 | 10+50 to 11+00 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 2 |
| 3 | 11+00 to 11+50 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 3 |
| 4 | 11+50 to 12+00 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 4 |
| 5 | 12+00 to 12+50 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 5 |
| 6 | 12+50 to 13+00 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 6 |
| 7 | 13+00 to 13+50 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 7 |
| 8 | 13+50 to 14+00 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 8 |
| 9 | 14+00 to 14+50 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 9 |
| 10 | 14+50 to 15+00 | 90° | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | 1.57 | Curve 10 |

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AMENDED PLAT
OF
PATASCO TERRACE
SECTION II
ELECTION DISTRICT NO. 13
BALTIMORE COUNTY, MARYLAND
DATE: SEPT. 27, 1962

This plat is a true and correct copy of the original as shown hereon for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the land therein is especially reserved in the owner.

Approved Baltimore County Planning Board
By: *[Signature]* Date: *[Date]*

Approved Baltimore County Highway Department
By: *[Signature]* Date: *[Date]*

Patasco Terrace, Inc.
2500 Frederick Ave., Baltimore 25, Maryland.
OWNER
OWNER'S CERTIFICATE
Certification is hereby made that the requirements of the annotated code of Maryland, Chapter 100, Act of 1945, have been complied with on this plat.

[Signature]
Burt MacLeod
PRESIDENT

ENGINEERS
WHITMAN REARDY & ASSOCIATES
1304 S. Paul Street
Baltimore 2, Maryland
[Signature]
KENNETH A. MCCORD
Registered Land Surveyor
NO. 1974

Coordinates shown are extensions made from Baltimore City coordinates as established by Baltimore City Topographical Commission. Bearings refer to true north Baltimore and are based on Baltimore County Metropolitan District central point.

9576
9577

APPROVED
Baltimore County Health Department
By: *[Signature]*
2630
#63

NOTE:
This plat is a true and correct copy of the original as shown hereon for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the land therein is especially reserved in the owner.

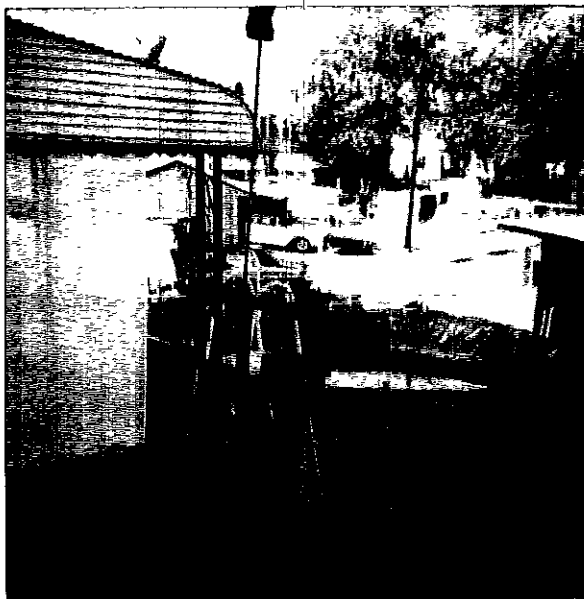
PLAT 28 FOLD 104
NET 0 1284
When any recorded in this
plat is to be used for
the purpose of the
Baltimore County Act of
1945, per
amended, per
amended, per



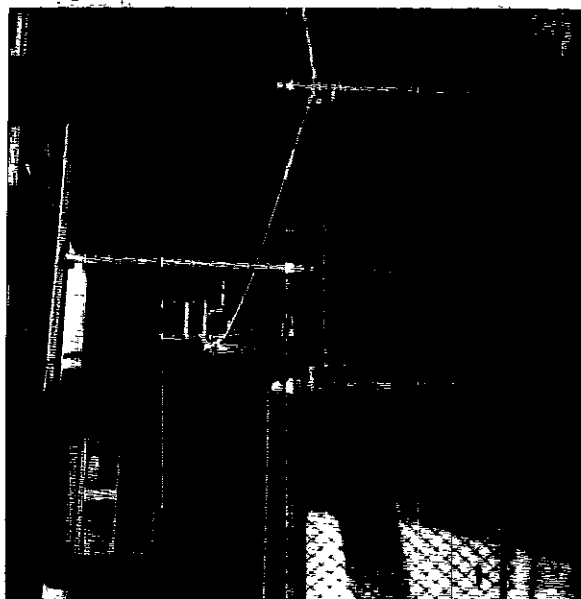
From Dining room
Window - under window



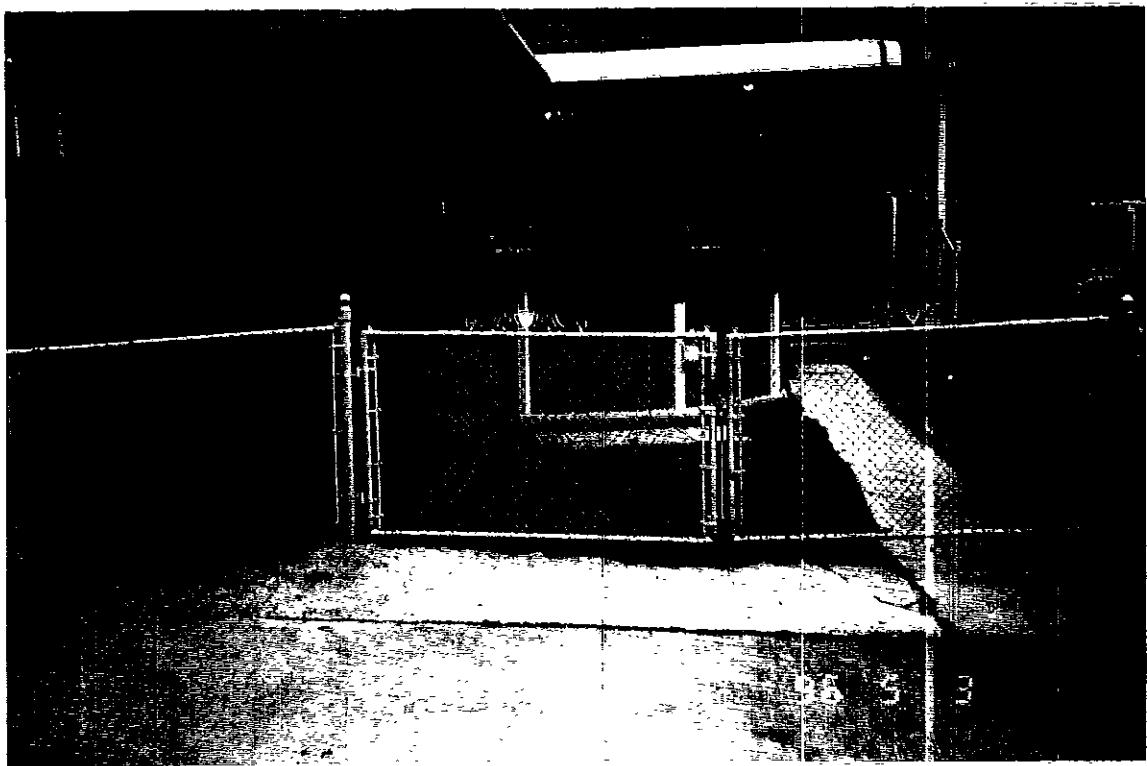
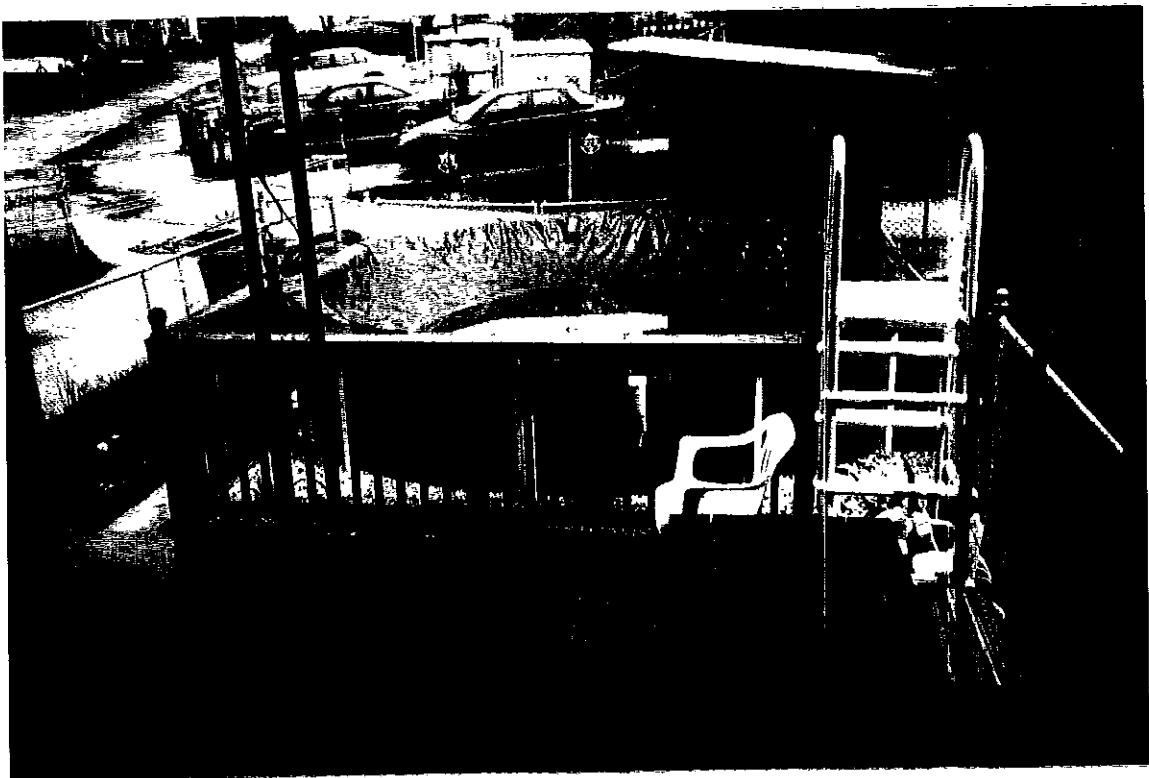
yard as was originally

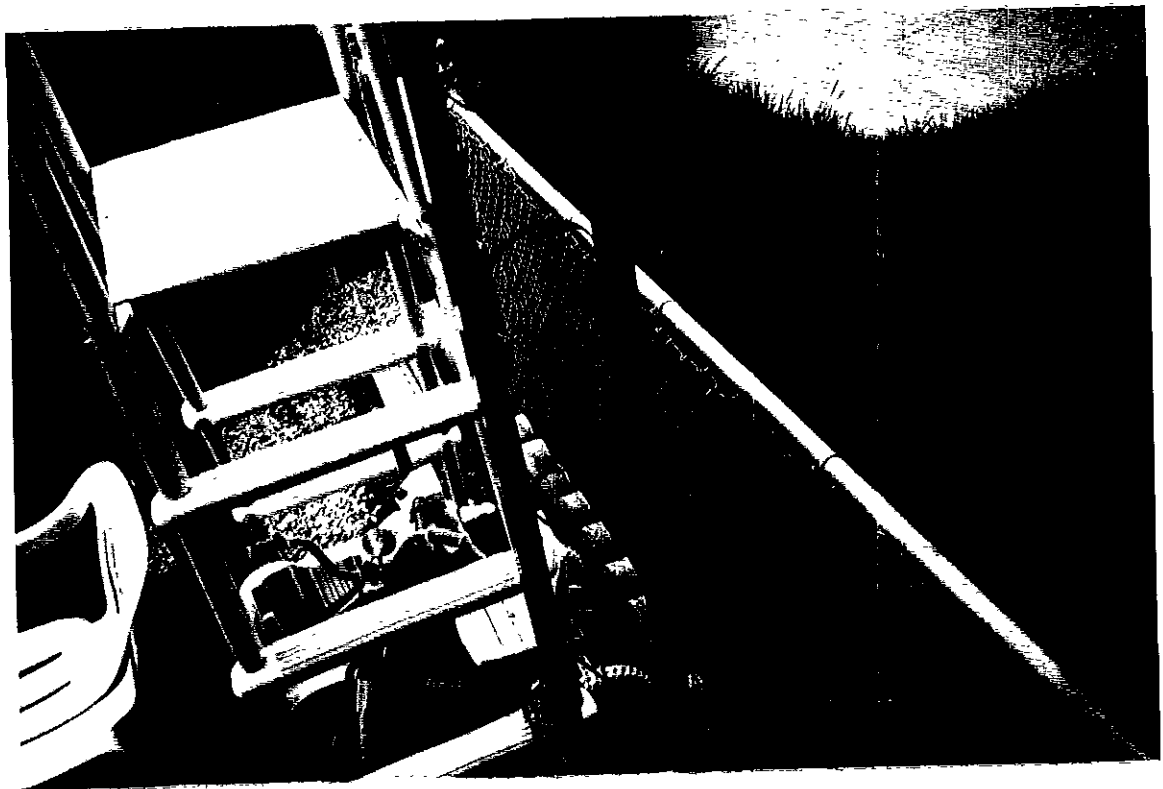


Just a picture

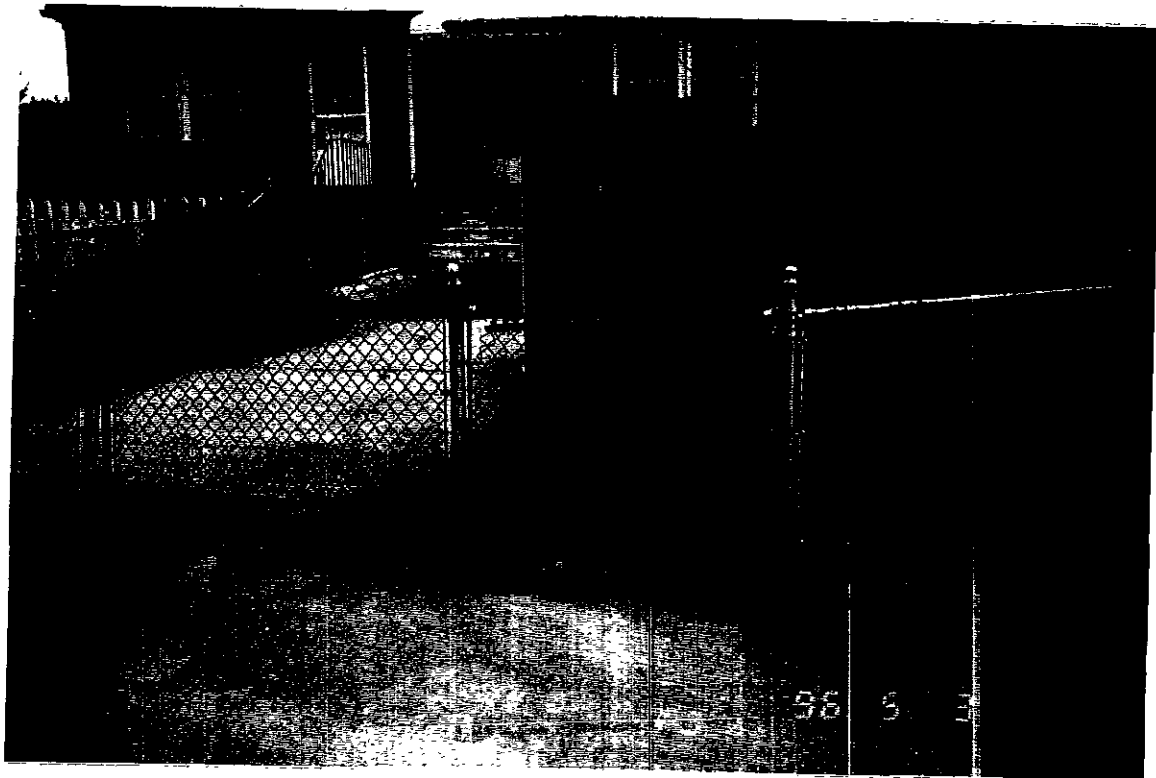
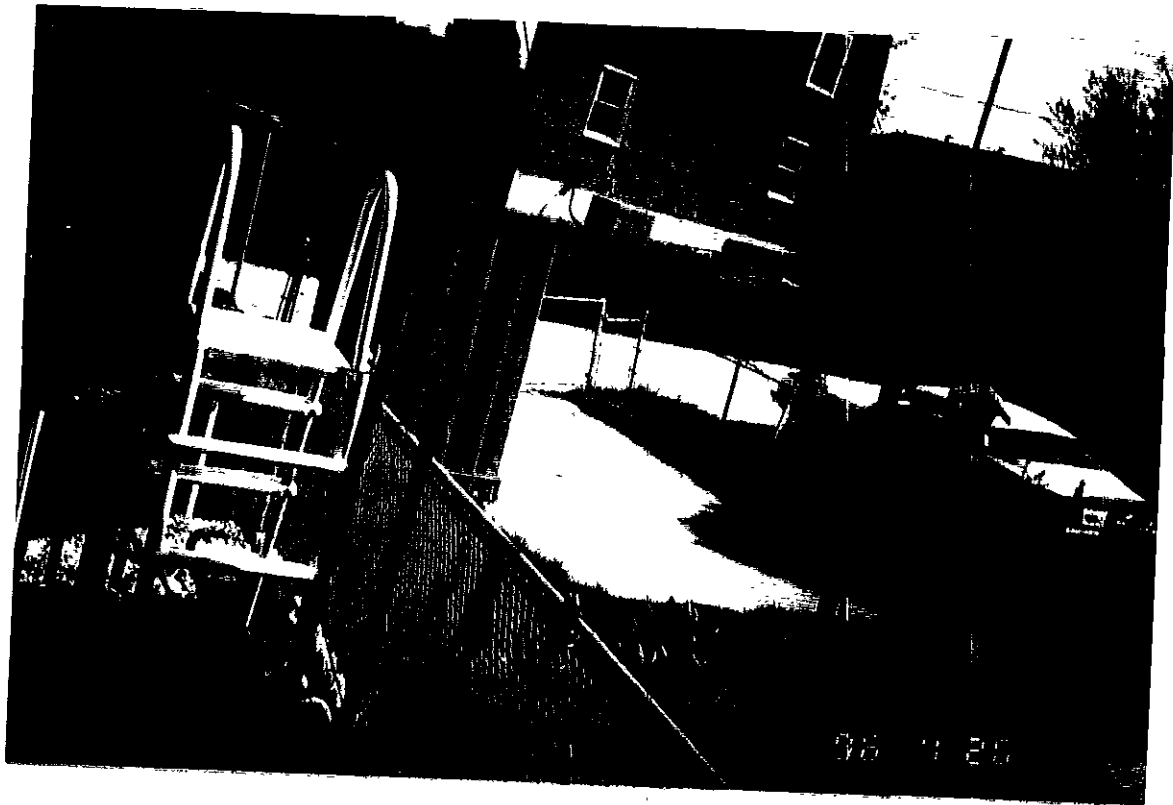


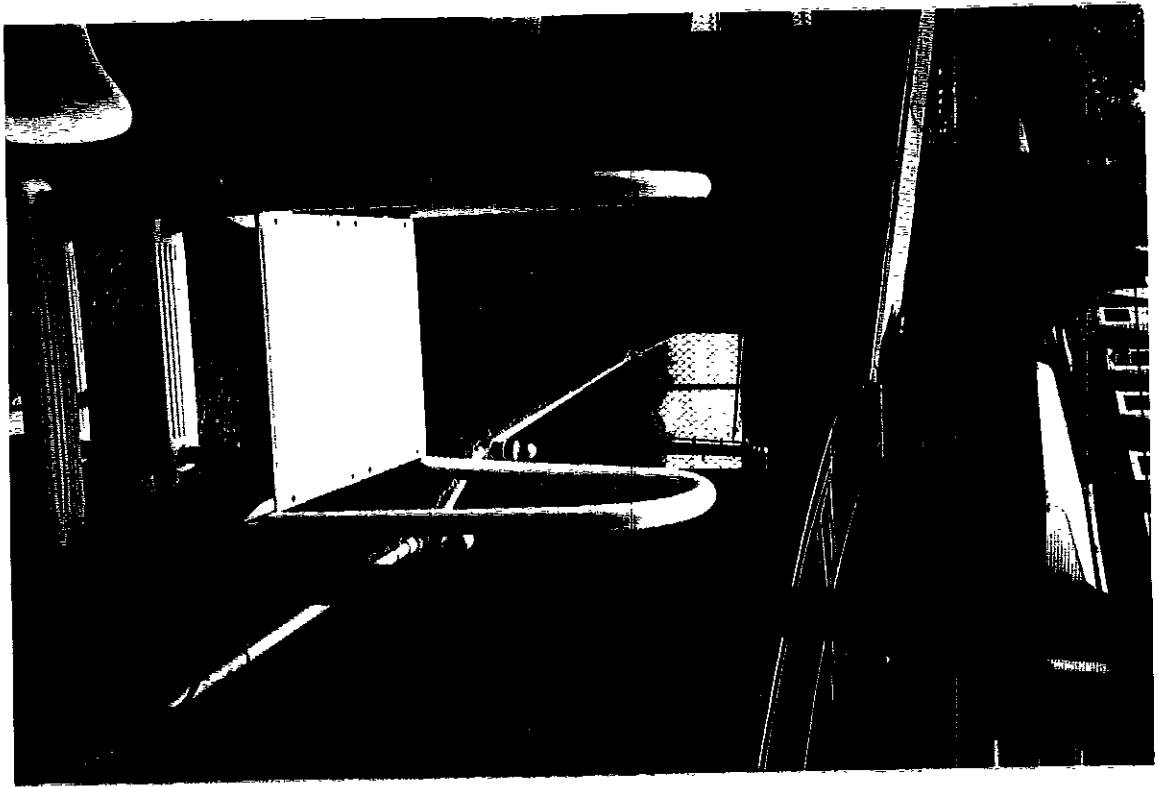
Shed moved to 1/2
new spot















Petitioner's # 3-A → 3R } Photos
4 }

Protestant's # 1-A → 1-D Photos

Joseph Deet

96-63-A

MICROFILMED

A Case No. 96-63-A

Joseph E. Neet, et ux - Petitioners

N/s Ryerson Circle, 120' W of the c/l
of Wisewell Court (3204 Ryerson Circle)

13th District

Appealed: 11/2/95

IN THE MATTER OF
THE APPLICATION OF
JOSEPH E. NEET, ET UX

FOR A VARIANCES ON PROPERTY
LOCATED ON THE NORTH SIDE OF
RYERSON CIRCLE, 120' WEST OF
THE CENTERLINE OF WISEWELL
COURT (3204 RYERSON CIRCLE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-63-A

* * * * *

O P I N I O N

This matter comes up on appeal from the decision of the Deputy Zoning Commissioner by order dated October 5, 1995 granting the variance to permit a lot line setback of 0 feet in lieu of the minimum 2.5 feet for an existing shed but denying the variance to permit a side yard setback of 6 inches in lieu of the minimum 2.5 feet for an existing swimming pool. Petitioner timely filed an appeal on the denial of the swimming pool variance and a de novo hearing was held on May 7, 1996 on that issue alone.

Petitioners Joseph and Sandra Neet appeared unrepresented by counsel and offered their testimony as well as that of one neighbor. Protestant Jeannette Caum was represented by Robert Rody, Esquire, and offered her testimony in opposition.

After reviewing the testimony and exhibits, the Board finds the following facts. The site in question is located on Ryerson Circle, and is improved with a single-family townhouse. Ms. Caum moved next door approximately three and a half years ago, and the pool was installed sometime thereafter. Petitioners concede they have not properly located the pool vis a vis Ms. Caum's property line in terms of being the requisite 2.5 feet away. Like so many of the lots in the neighborhood, the yards are relatively small with little room for items to be set thereon. Neither Petitioner offered testimony about what was unique about their lot as opposed

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to other lots in the neighborhood.

The bases upon which to grant a variance are set forth in Section 307 of the Baltimore County Zoning Regulations (BCZR) and require the existence of "special circumstances" or "peculiar conditions." The Court of Special Appeals in Cromwell v. Ward, 102 Md.App. 691 (1995) construed this regulation strictly, and this Board must do the same. Before considering later variance requirements, therefore, Petitioners must first demonstrate that the property is somehow unique. Mr. Neet voluntarily offered in direct examination that the lot is not unique. It is similar in shape, size and function to many of the townhouse lots in the neighborhood.

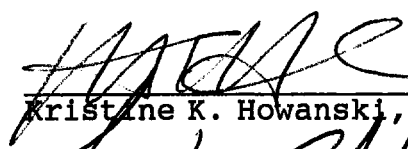
O R D E R

IT IS THEREFORE this 21st day of May, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance to permit a setback of 6 inches in lieu of 2.5 feet for the backyard pool be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.


COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Acting Chairman



Lawrence M. Stahl



Charles L. Marks

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 21, 1996

Mr. & Mrs. Joseph E. Neet
3204 Ryerson Circle
Baltimore, MD 21227

RE: Case No. 96-63-A
Joseph E. Neet, et ux -Petitioners

Dear Mr. & Mrs. Neet:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

Enclosure

cc: Robert S. Rody, Esquire
Ms. Jeannette Caum
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



1. Connection District - 3rd
2. Election District - 7th
3. Subwatershed - 81
4. Census Tract - 402
5. County - 6
6. Tax Reference - 14, Parcel - 298
7. Record Number - 10059535
8. Dred Reference - 956/782
9. Section - 36
10. Township shown on section is Field Hill
11. Elevation topography shown taken from the base-line County
12. All slopes shall comply with Section 413 of Antidegradation
13. zoning regulations.
14. "Wetlands" will be portions of all underground
15. utilities, public or private, from beginning to end.
16. A.P.N. = 399
17. Critical areas will be the riparian, alluvial, wetlands
18. critical areas, and the riparian, alluvial, wetlands, wetlands
19. critical areas, flood plains, archeological sites,
20. endangered species habitat, riparian areas, or underground
21. critical areas, flood plains, archeological sites, or
22. No open space is required for this site.
23. Certification as to Delinquent Accounts
24. with respect to any of the following other development
25. person with a financial interest in the proposed
26. services on behalf of the proposed development.
27. Zoning Map Number: 7th
28. Zoning Map Number: 7th
29. Zoning Map Number: 7th
30. Zoning Map Number: 7th
31. Zoning Map Number: 7th
32. Zoning Map Number: 7th
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96. Zoning Map Number: 7th
97. Zoning Map Number: 7th
98. Zoning Map Number: 7th
99. Zoning Map Number: 7th
100. Zoning Map Number: 7th

1. GROSS AREA OF SITE: 1.03 AC = 70,760 S.F.
2. NET AREA OF SITE: 1.03 AC = 70,760 S.F.
3. PARKING: 100 SPACES ON LOT A AND R.O.'S
4. R.O.'S: 0.935 AC = 65,000 S.F.
5. R.O.'S: 0.936 AC = 65,000 S.F.
6. PREPARED FLOOR AREA: 70,760 S.F.
7. SECOND FLOOR: 4,000 S.F.
8. TOTAL: 80,000 S.F.
9. FLOOR AREA RATIO: 0.11 (60,000/70,760) = 0.122 AC
10. PREPARED USE: MEDICAL OFFICE
11. GROSS FLOOR AREA: 80,000 S.F.
12. PARKING PREPARED: 40 SPACES
13. PARKING LOT AREA: 10,000 S.F.
14. PARKING LOT AREA: 10,000 S.F.
15. PARKING LOT AREA: 10,000 S.F.
16. PARKING LOT AREA: 10,000 S.F.
17. PARKING LOT AREA: 10,000 S.F.
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93. PARKING LOT AREA: 10,000 S.F.
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95. PARKING LOT AREA: 10,000 S.F.
96. PARKING LOT AREA: 10,000 S.F.
97. PARKING LOT AREA: 10,000 S.F.
98. PARKING LOT AREA: 10,000 S.F.
99. PARKING LOT AREA: 10,000 S.F.
100. PARKING LOT AREA: 10,000 S.F.

REQUESTING A SPECIAL EXCEPTION TO ALLOW AN OFFICE BUILDING WHICH IS IN COMPLIANCE WITH THE SITE DESIGN GUIDELINES AND PERFORMANCE STANDARDS IN THE "NEIGHBORHOOD PLAN", WHICH IS REQUIRED TO BE 39' IN HEIGHT IN LIEU OF THE 30' MAXIMUM PERMISSIBLE TO B.C.Z.2 SEC. 259.3. B.3 AND 259.3.C.1.C.

1. THE FINAL ISSUES WILL BE ADDRESSED ON THE FINAL LANDSCAPE PLAN.
2. THE OR ZONE BUFFER, PLANTING WILL BE MODIFIED TO PROVIDE A LAYER-MIXED PLANTINGS

1. THE FINAL ISSUES WILL BE ADDRESSED ON THE FINAL LANDSCAPE PLAN.
2. THE OR ZONE BUFFER, PLANTING WILL BE MODIFIED TO PROVIDE A LAYER-MIXED PLANTINGS

| Map Symbol | Soil Series | Homesteads Limitations | Service Systems Limitations | Hydrate "R" Value | Crystalline Unit |
|------------|-------------|------------------------|-----------------------------|-------------------|------------------|
| GCR2 | Cherting | Slight | Slight | 0.28 | lle-4 |
| SIR | Gravel | Slight | Slight | 0.32 | No |
| MC2 | Marl | Moderate slope | Moderate slope | 0.32 | lle-25 |

1. BASIC SITE DATA

- A. Ocean site data
- B. River site data
- C. Lake site data
- D. Other site data

2. CALCULATIONS FOR CALCULATIONS

- A. Initial data
- B. Initial data
- C. Initial data
- D. Initial data
- E. Initial data
- F. Initial data
- G. Initial data
- H. Initial data
- I. Initial data
- J. Initial data
- K. Initial data
- L. Initial data
- M. Initial data
- N. Initial data
- O. Initial data
- P. Initial data
- Q. Initial data
- R. Initial data
- S. Initial data
- T. Initial data
- U. Initial data
- V. Initial data
- W. Initial data
- X. Initial data
- Y. Initial data
- Z. Initial data

3. INITIAL DATA

| Site | Initial Data |
|------|--------------|
| A | 0.00 |
| B | 0.00 |
| C | 0.00 |
| D | 0.00 |
| E | 0.00 |
| F | 0.00 |
| G | 0.00 |
| H | 0.00 |
| I | 0.00 |
| J | 0.00 |
| K | 0.00 |
| L | 0.00 |
| M | 0.00 |
| N | 0.00 |
| O | 0.00 |
| P | 0.00 |
| Q | 0.00 |
| R | 0.00 |
| S | 0.00 |
| T | 0.00 |
| U | 0.00 |
| V | 0.00 |
| W | 0.00 |
| X | 0.00 |
| Y | 0.00 |
| Z | 0.00 |

SCALE 1 - 100

EXISTING CONTOUR
PROPOSED CONTOUR
EXISTING WOODS LINE
SOILS LINE
EXISTING WELL
NO. OF PARKING SPACES
SOIL PERCOLATION TEST
SEPTIC RESERVE AREA

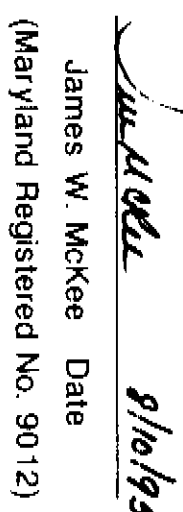
PLAT TO ACCOMPANY SPECIAL EXCEPTION

16918 YORK ROAD

BALTIMORE COUNTY, MARYLAND

COUNTY, MARYLAND

Engineering - Surveying - Real Estate Development
SHAVAN PLACE, 5 SHAVAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555



(Maryland Registered No. 9012)

NOTE: REVISIONS AS PER DEVELOPMENT
PLAN CONFERENCE.

OWNER & APPLICANT
THOMAS A. MCINNES
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

SCALE : 1" = 30'

ZADM NO. VII - 301

DATE : 6 / 14 / 95

GENERAL NOTES

1. Condemned District - 3rd
2. Erection District - 7th
3. Submerged - 81
4. Canals Tract - 4072
5. Tax Map 274, 0742 - 14, 200
6. Deed Reference - 5961/232
7. This site falls on Baltimore County Rolling Map N.W. 27C
8. Soil types shown hereon are taken from the Baltimore County soils survey map number 9.
9. The contractor shall verify locations of all underground utilities, public or private, prior to beginning work.
10. To the best of our knowledge there are no streams, wetlands, endangered species habitat, historical areas, or underground fuel storage tanks on this site or within 100 feet of the site.
11. No open space is required for this site.
12. There are no delinquent accounts of any other development with respect to any of the following: fire department, a development, or a person who will perform contractual services on behalf of the proposed development.
13. Ideas like this to various zoning handles for this site.
14. Zoning Map handle: 144, etc
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

SITE DATA

1. GROSS AREA OF SITE : 1.83 AC ±
2. EXISTING ZONING : BM-CR AND RC-S
3. PROPOSED ZONING : BM-CR AND RC-S
4. PROPOSED FLOOR AREAS :
5. FLOOR AREA RATIO : 0.11
6. PROPOSED USE : MEDICAL OFFICE
7. PARKING REQUIRED : 8800/1000, 4.5 : 40
8. PARKING PROPOSED : 40 SPACES

ZONING REQUEST

Requesting a special exception to allow an office building to be constructed on this site. The site is currently zoned BM-CR and RC-S. The proposed use is a medical office building. The site is located in the 14th and 15th wards of Baltimore County. The site is adjacent to York Road (MD State Route 45) and Monkton Road. The site is currently vacant. The proposed use is a medical office building. The site is located in the 14th and 15th wards of Baltimore County. The site is adjacent to York Road (MD State Route 45) and Monkton Road. The site is currently vacant. The proposed use is a medical office building.

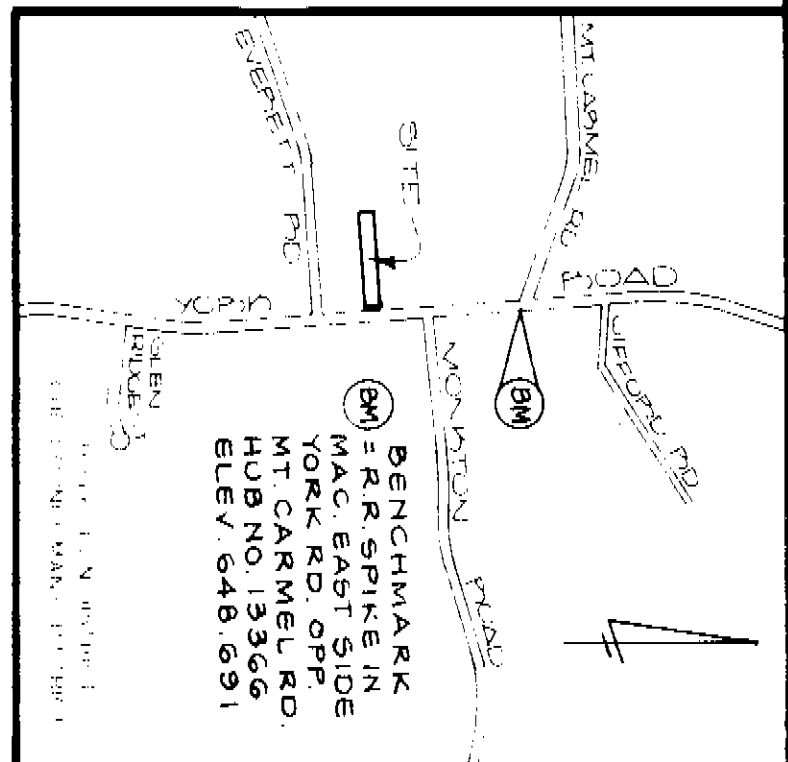
SOILS LIMITATION CHART

| Soil | Permeability | Site Systems | Water | Value | Condition |
|-----------|--------------|--------------|-----------|-----------|-----------|
| 1. 14-1 | 1. 14-1 | 1. 14-1 | 1. 14-1 | 1. 14-1 | 1. 14-1 |
| 2. 14-2 | 2. 14-2 | 2. 14-2 | 2. 14-2 | 2. 14-2 | 2. 14-2 |
| 3. 14-3 | 3. 14-3 | 3. 14-3 | 3. 14-3 | 3. 14-3 | 3. 14-3 |
| 4. 14-4 | 4. 14-4 | 4. 14-4 | 4. 14-4 | 4. 14-4 | 4. 14-4 |
| 5. 14-5 | 5. 14-5 | 5. 14-5 | 5. 14-5 | 5. 14-5 | 5. 14-5 |
| 6. 14-6 | 6. 14-6 | 6. 14-6 | 6. 14-6 | 6. 14-6 | 6. 14-6 |
| 7. 14-7 | 7. 14-7 | 7. 14-7 | 7. 14-7 | 7. 14-7 | 7. 14-7 |
| 8. 14-8 | 8. 14-8 | 8. 14-8 | 8. 14-8 | 8. 14-8 | 8. 14-8 |
| 9. 14-9 | 9. 14-9 | 9. 14-9 | 9. 14-9 | 9. 14-9 | 9. 14-9 |
| 10. 14-10 | 10. 14-10 | 10. 14-10 | 10. 14-10 | 10. 14-10 | 10. 14-10 |
| 11. 14-11 | 11. 14-11 | 11. 14-11 | 11. 14-11 | 11. 14-11 | 11. 14-11 |
| 12. 14-12 | 12. 14-12 | 12. 14-12 | 12. 14-12 | 12. 14-12 | 12. 14-12 |
| 13. 14-13 | 13. 14-13 | 13. 14-13 | 13. 14-13 | 13. 14-13 | 13. 14-13 |
| 14. 14-14 | 14. 14-14 | 14. 14-14 | 14. 14-14 | 14. 14-14 | 14. 14-14 |
| 15. 14-15 | 15. 14-15 | 15. 14-15 | 15. 14-15 | 15. 14-15 | 15. 14-15 |
| 16. 14-16 | 16. 14-16 | 16. 14-16 | 16. 14-16 | 16. 14-16 | 16. 14-16 |
| 17. 14-17 | 17. 14-17 | 17. 14-17 | 17. 14-17 | 17. 14-17 | 17. 14-17 |
| 18. 14-18 | 18. 14-18 | 18. 14-18 | 18. 14-18 | 18. 14-18 | 18. 14-18 |
| 19. 14-19 | 19. 14-19 | 19. 14-19 | 19. 14-19 | 19. 14-19 | 19. 14-19 |
| 20. 14-20 | 20. 14-20 | 20. 14-20 | 20. 14-20 | 20. 14-20 | 20. 14-20 |

Forest Data:

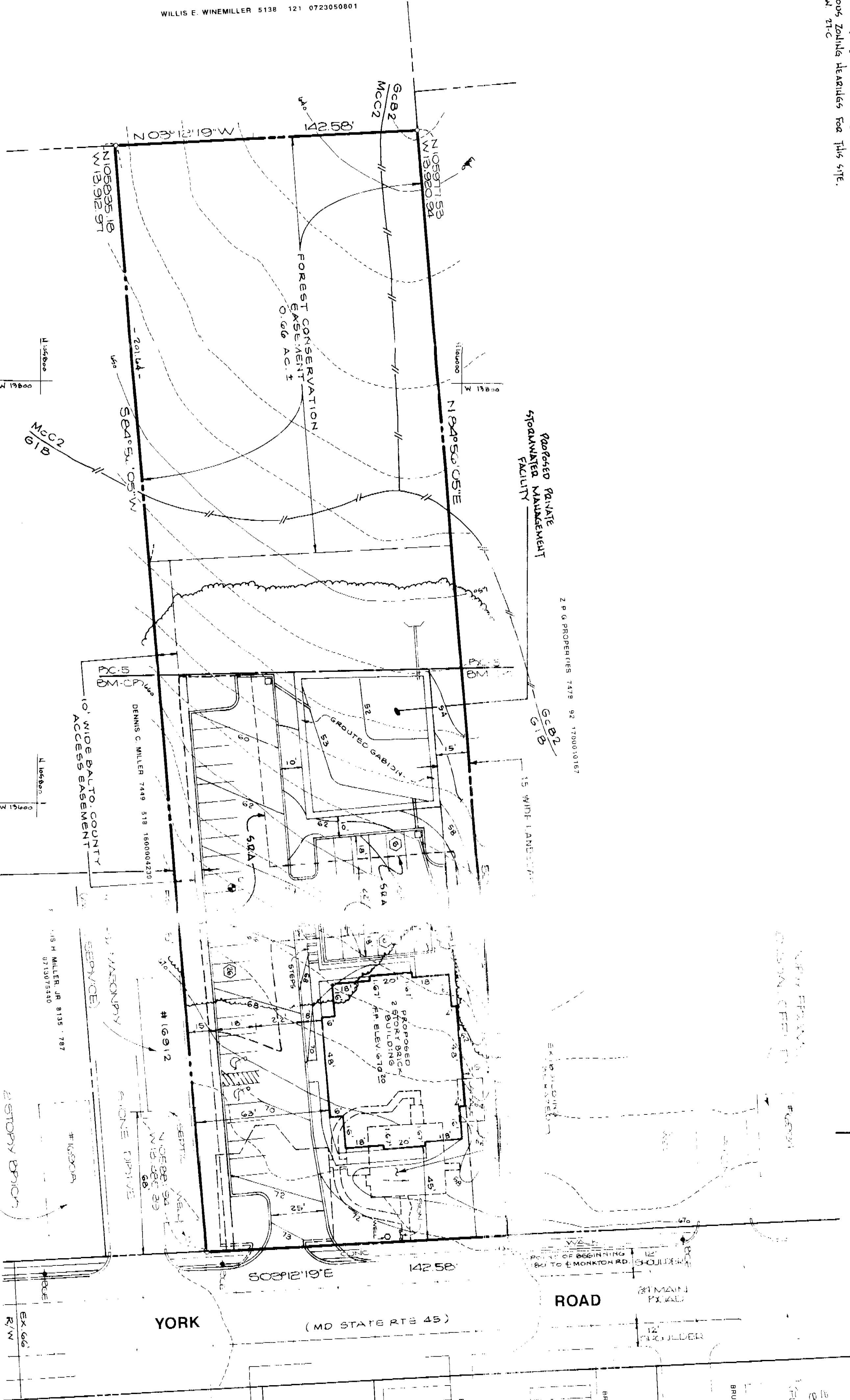
1. Basic site data:
2. Information for calculations:
3. Forest land use:
4. Forest land use:
5. Forest land use:
6. Forest land use:
7. Forest land use:
8. Forest land use:
9. Forest land use:
10. Forest land use:
11. Forest land use:
12. Forest land use:
13. Forest land use:
14. Forest land use:
15. Forest land use:
16. Forest land use:
17. Forest land use:
18. Forest land use:
19. Forest land use:
20. Forest land use:

VICINITY MAP



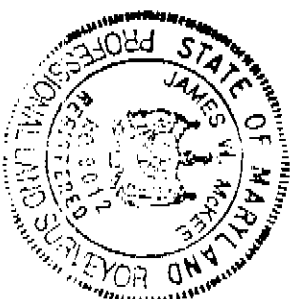
LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING WOODS LINE
- SOILS LINE
- EXISTING WELL
- NO OF PARKING SPACES
- SOIL PERCOLATION TEST
- SEPTIC RESERVE AREA



MCKEE & ASSOCIATES, INC.

Engineering, Surveying, Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD
(410) 527-1555
MOUNT VALLEY, MARYLAND 21030



James W. McKee, Date 3/10/95
Maryland Registered No. 90121

OWNER & APPLICANT
THOMAS A. MCINNIS
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

7TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: 6/14/95
ZADM NO. VII - 301

HEREFORD PROFESSIONAL BUILDING
(FORMERLY HEREFORD MEDICAL OFFICE BUILDING)

SITE DEVELOPMENT PLAN
AND
PLAT TO ACCOMPANY SPECIAL EXCEPTION

16918 YORK ROAD

SHEET 1 OF 2

BALTIMORE COUNTY, MARYLAND

DATE: 6/14/95

62

GENERAL NOTES

1. Conclusive District - 3rd
2. Metres District - 10th
3. Subwatershed - 61
4. Census Tract - 6072
5. Census Tract - 6072
6. Census Tract - 6072
7. Tax Account Number - 0710045535
8. Deed Reference - 5561/2872 County Register Map N.W. 27C
9. Deed Reference - 5561/2872 County Register Map N.W. 27C
10. Existing topography shown hereon is field notes
11. Soil types shown hereon are taken from the Baltimore County Soil Survey
12. The contractor shall verify locations of all underground utilities
13. The contractor shall verify locations of all underground utilities
14. Apr's - 299
15. Parking spaces will be striped
16. Critical areas (flood plain, wetlands, stream, etc.) are shown on this site on which work is to be performed.
17. There are no delinquent accounts of any other development on this site.
18. Certification as to Delinquent Accounts
19. There are no delinquent accounts of any other development on this site.
20. Certification as to Delinquent Accounts
21. There are no delinquent accounts of any other development on this site.
22. Certification as to Delinquent Accounts
23. There are no delinquent accounts of any other development on this site.
24. Certification as to Delinquent Accounts
25. There are no delinquent accounts of any other development on this site.
26. There are no delinquent accounts of any other development on this site.
27. There are no delinquent accounts of any other development on this site.
28. There are no delinquent accounts of any other development on this site.
29. There are no delinquent accounts of any other development on this site.
30. There are no delinquent accounts of any other development on this site.

SITE DATA

1. Gross Area of Site : 1.031 AC. ± = 137,568 S.F.
2. Gross Area of Site : 1.031 AC. ± = 137,568 S.F.
3. Gross Area of Site : 1.031 AC. ± = 137,568 S.F.
4. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
5. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
6. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
7. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
8. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
9. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
10. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
11. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
12. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
13. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
14. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
15. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
16. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
17. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
18. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
19. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
20. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
21. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
22. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
23. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
24. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
25. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
26. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
27. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
28. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
29. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.
30. Proposed Floor Area : 1.031 AC. ± = 137,568 S.F.

ZONING REQUEST

Requesting a zoning change from the current zoning to a more appropriate zoning for the proposed development.

NOTE: ALL ENGINEERING, SURVEYING AND ARCHITECTURAL ZONING REGULATIONS AND ORDINANCES SHALL BE APPLIED TO THIS PROJECT.

LANDSCAPE NOTES

1. THE FINAL LANDSCAPE PLAN SHALL BE APPROVED BY THE FINAL LANDSCAPE PLAN.
2. THE 15' WIDE LANDSCAPE BUFFER SHALL BE MAINTAINED.

SOILS LIMITATION CHART

| Soil | Symbol | Series | Limitations | Series | Limitations | Series | Limitations |
|------|--------|--------|-------------|--------|-------------|--------|-------------|
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |
| SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 | SCB2 |

Forest DATA:

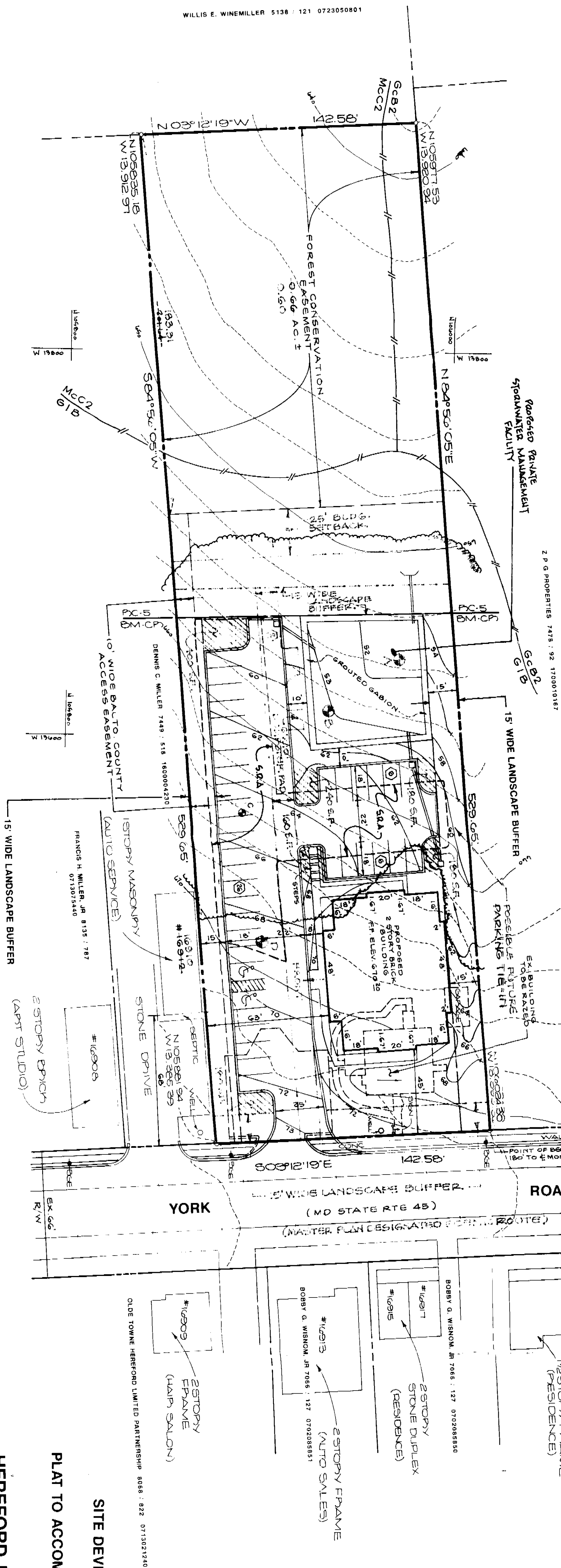
1. Basic site data:
2. Forest data:
3. Forest data:
4. Forest data:
5. Forest data:
6. Forest data:
7. Forest data:
8. Forest data:
9. Forest data:
10. Forest data:
11. Forest data:
12. Forest data:
13. Forest data:
14. Forest data:
15. Forest data:
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17. Forest data:
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22. Forest data:
23. Forest data:
24. Forest data:
25. Forest data:
26. Forest data:
27. Forest data:
28. Forest data:
29. Forest data:
30. Forest data:

VICINITY MAP

Scale: 1" = 100'

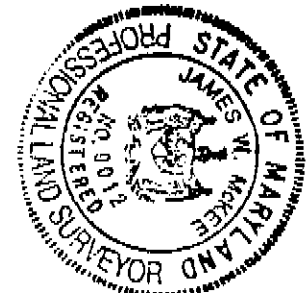
LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING WOODS LINE
- SOILS LINE
- EXISTING WELL
- NO. OF PARKING SPACES
- SOIL PERCOLATION TEST
- SEPTIC RESERVE AREA



MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD
(410) 527-1555
HUNT VALLEY, MARYLAND 21080



James W. McKee Date
(Maryland Registered No. 9012)

NOTE: REVISIONS AS PER DEVELOPMENT PLAN CONFERENCE.

OWNER & APPLICANT
THOMAS A. MEINER
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

16918 YORK ROAD
SHEET 1 OF 2
BALTIMORE COUNTY, MARYLAND
DATE: 6 / 14 / 95
ZADM NO. VII - 301

HEREFORD PROFESSIONAL BUILDING
(FORMERLY HEREFORD MEDICAL OFFICE BUILDING)

GENERAL NOTES

1. Condemnation District - 3rd
2. Erection District - 7th
3. Submerged - 81
4. Canine Tract - 4072
5. Tax Map 274, 0742 - 14, 200
6. Deed Reference - 5961/232
7. This site falls on Baltimore County Rolling Map N.W. 27C
8. Soil types shown hereon are taken from the Baltimore County soils survey map number 9.
9. The contractor shall verify locations of all underground utilities, public or private, prior to beginning work.
10. To the best of our knowledge there are no streams, wetlands, endangered species habitat, historic areas, or underground fuel storage tanks on this site or within the vicinity.
11. No open space is required for this site.
12. There are no delinquent accounts of any other development with respect to any of the following: fire department, a development, or a person who will perform contractual services on behalf of the proposed development.
13. Ideas like this to various zoning handles for this site.
14. Zoning Map handle: 144, etc
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

SITE DATA

1. GROSS AREA OF SITE : 1.83 AC ±
2. EXISTING ZONING : BM-CR AND RC-S
3. PROPOSED FLOOR AREAS :
4. PROPOSED FLOOR AREAS :
5. FLOOR AREA RATIO : 0.11
6. PROPOSED USE : MEDICAL OFFICE
7. PARKING REQUIRED : 8800/1000, 4.5 : 40
8. PARKING PROPOSED : 40 SPACES

ZONING REQUEST

Requesting a special exception to allow an office building to be constructed on this site. The site is currently zoned BM-CR and RC-S. The proposed use is a medical office building. The site is located in the 144th ward of Baltimore County. The site is currently zoned BM-CR and RC-S. The proposed use is a medical office building. The site is located in the 144th ward of Baltimore County.

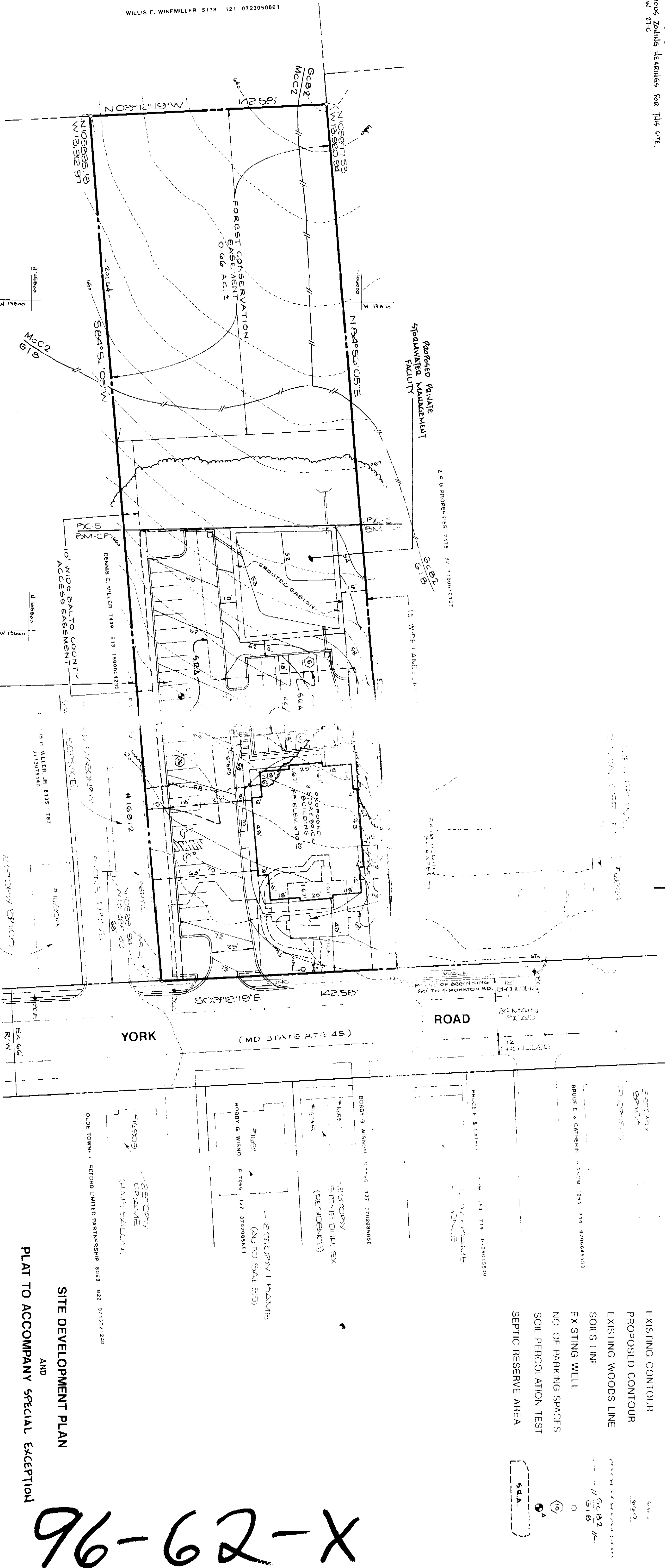
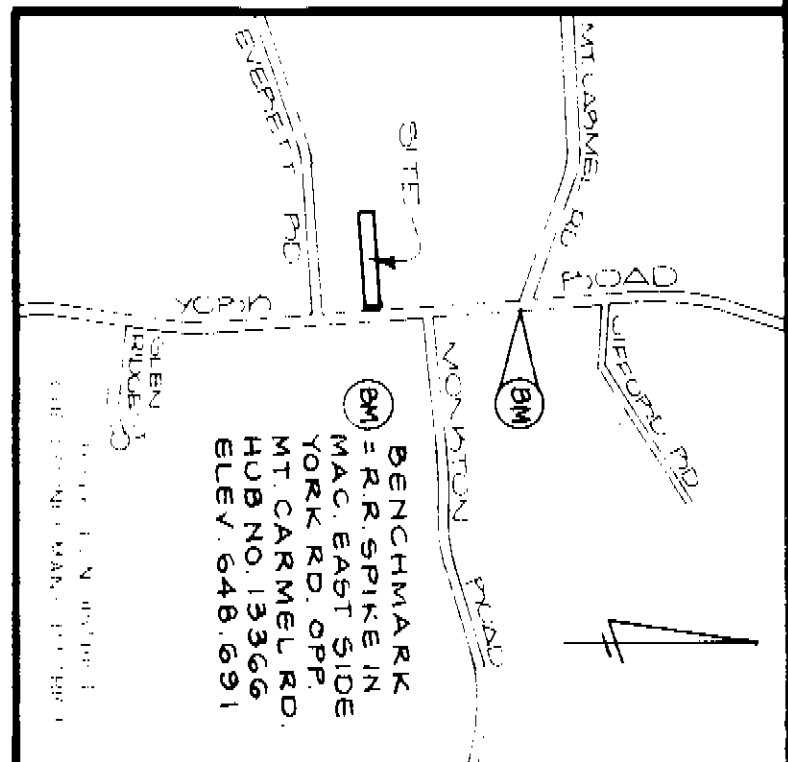
SOILS LIMITATION CHART

| Soil | Permeability | Site Specifics | Water Table | Groundwater |
|---------|--------------|----------------|-------------|-------------|
| 1. 144 | 1. 144 | 1. 144 | 1. 144 | 1. 144 |
| 2. 144 | 2. 144 | 2. 144 | 2. 144 | 2. 144 |
| 3. 144 | 3. 144 | 3. 144 | 3. 144 | 3. 144 |
| 4. 144 | 4. 144 | 4. 144 | 4. 144 | 4. 144 |
| 5. 144 | 5. 144 | 5. 144 | 5. 144 | 5. 144 |
| 6. 144 | 6. 144 | 6. 144 | 6. 144 | 6. 144 |
| 7. 144 | 7. 144 | 7. 144 | 7. 144 | 7. 144 |
| 8. 144 | 8. 144 | 8. 144 | 8. 144 | 8. 144 |
| 9. 144 | 9. 144 | 9. 144 | 9. 144 | 9. 144 |
| 10. 144 | 10. 144 | 10. 144 | 10. 144 | 10. 144 |
| 11. 144 | 11. 144 | 11. 144 | 11. 144 | 11. 144 |
| 12. 144 | 12. 144 | 12. 144 | 12. 144 | 12. 144 |
| 13. 144 | 13. 144 | 13. 144 | 13. 144 | 13. 144 |
| 14. 144 | 14. 144 | 14. 144 | 14. 144 | 14. 144 |
| 15. 144 | 15. 144 | 15. 144 | 15. 144 | 15. 144 |
| 16. 144 | 16. 144 | 16. 144 | 16. 144 | 16. 144 |
| 17. 144 | 17. 144 | 17. 144 | 17. 144 | 17. 144 |
| 18. 144 | 18. 144 | 18. 144 | 18. 144 | 18. 144 |
| 19. 144 | 19. 144 | 19. 144 | 19. 144 | 19. 144 |
| 20. 144 | 20. 144 | 20. 144 | 20. 144 | 20. 144 |

FOREST DATA:

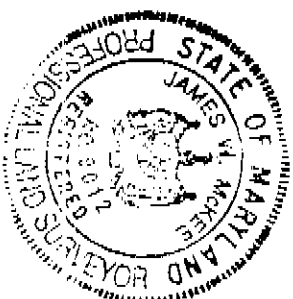
1. BASIC SITE DATA:
2. INFORMATION FOR CALCULATIONS:
3. FOREST DATA:
4. FOREST DATA:
5. FOREST DATA:
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19. FOREST DATA:
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VICINITY MAP



MCKEE & ASSOCIATES, INC.

Engineering, Surveying, Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD
MOUNT VALLEY, MARYLAND 21030
(410) 527-1555



James W. McKee, Date 3/10/95
Maryland Registered No. 90121

OWNER & APPLICANT
THOMAS A. MCINNIS
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

16918 YORK ROAD
SHEET 1 OF 2
7TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: 6/14/95
ZADM NO. VII - 301

HEREFORD PROFESSIONAL BUILDING
(FORMERLY HEREFORD MEDICAL OFFICE BUILDING)

SITE DEVELOPMENT PLAN
AND
PLAT TO ACCOMPANY SPECIAL EXCEPTION

96-62-X

IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE for Hereford Professional Bldg. W/S York Road, N of Everett Road 7th Election District 3rd Councilmanic District
Thomas A. McInnes
Owner/Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by McKee & Associates, Inc., for the proposed development of the subject property by Thomas A. McInnes, Owner and Developer, with a two-story brick medical office building, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Developer seeks approval of a special exception to permit an office building, which is in compliance with the site design guidelines and performance standards set forth in the "Hereford Plan", to be 39 feet in height in lieu of the maximum permitted 30 feet, pursuant to Section 259.3.B.3 and 259.3.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property consists of a gross area of 1.831 acres, more or less, split zoned B.M.-C.R. and R.C.5 and is located on the west side of York Road between Monkton Road and Everett Road in Hereford.

Appearing at the public hearing required for this project were Geoffrey C. Schultz, Professional Engineer with McKee & Associates, Inc., David Recchia, Architect with Rubeling & Associates, Inc., and Howard L. Alderman, Jr., Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing. Appearing as interested parties were George McConney, a represen-

tative of the Greater Sparks-Glencoe Community Council, and Mrs. Rittenhouse, a nearby resident.

As to the history of this project, the concept plan conference for this development was conducted on November 28, 1994. As required, a community input meeting was held on January 12, 1995 at the Hereford Volunteer Fire Hall. Subsequently, a development plan was submitted and a conference held thereon on September 20, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments was submitted at the hearing held before me on October 6, 1995.

As for consideration of the development plan, I am required to determine what, if any, agency comments or concerns remain unresolved at the preliminary stage of the public hearing before me. Testimony and evidence received was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. Furthermore, there were no issues raised by any citizen in attendance which required the taking of testimony. Therefore, based upon the uncontradicted testimony and the absence of any opposition, it appears that the development plan should be approved.

As to the Petition for Special Exception, testimony and evidence offered revealed that the proposed improvements on the property, including the required parking area and storm water management facility, will be located entirely within the B.M.-C.R. zoned portion of the site, while the R.C.5 zoned portion of the property will be used for a forest conservation area. As noted above, the proposed building will be 39 feet in height and as a result, a special exception is necessary to permit its construction pursuant to the regulations applicable for development in C.R. districts.

Ordinarily, one might consider that a Petition for Variance would be the proper procedure to follow to request a building height of 39 feet in lieu of the maximum permitted 30 feet. However, special regulations concerning development in C.R. districts have been passed by the County Council and are applicable in this instance, given the B.M.-C.R. zoning of this property. Therefore, the building height of 39 feet may be permitted only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the District. I hereby find that this project does, in fact, satisfy the site design and performance standards of the Hereford Plan. Therefore, the height of 39 feet for this building shall be approved.

On behalf of the Owner/Applicant, Mr. Howard Alderman proffered testimony to support the special exception relief requested. His testimony indicated that the requirements of Section 502.1 of the B.C.Z.R. will be met and that there will be no adverse effects upon the surrounding locale as a result of the special exception relief granted.

It is clear that the B.C.Z.R. permits the height of this building and the use proposed in a B.M.-C.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the par-

ticular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Special Exception granted consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 20th day of October, 1995 that the development plan for the Hereford Professional Building, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval of an office building, which is in compliance with the site design guidelines and performance standards set forth in the "Hereford Plan" to be 39 feet in height in lieu of the maximum permitted 30 feet, pursuant to Section 259.3.B.3 and 259.3.C.1.c of the Baltimore

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Owner/Developer may apply for their building permit and be granted same upon receipt of this Order; however, the Owner/Developer are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Owner/Applicant shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.
- 3) Pursuant to the Petition for Special Exception, the proposed two-story medical office building is limited to a height of 39 feet.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 5) The proposed development shall be in compliance with all forest conservation requirements imposed upon the Owner/Applicant by the Department of Environmental Protection and Resource Management (DEPRM).

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 20, 1995

(410) 887-4386

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE for Hereford Professional Building W/S York Road, N of Everett Road 7th Election District - 3rd Councilmanic District Thomas A. McInnes- Owner/Developer Case Nos. VII-301 & 96-62-X

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Exception granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

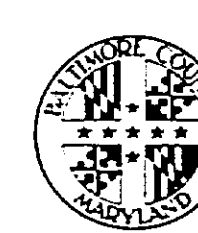
cc: Mr. Thomas A. McInnes
7816 Ruxwood Road, Towson, Md. 21204

Mr. Geoffrey C. Schultz, McKee & Associates
5 Shawan Road, Hunt Valley, Md. 21030

Mr. David Recchia, Rubeling & Associates
401 Jefferson Avenue, Towson, Md. 21286

Kurt Kugelberg, Project Mgr., FDM; DEPRM; DPW; People's Counsel; FLE

TMK:bjjs



Petition for Special Exception
96-62-X
to the Zoning Commissioner of Baltimore County

for the property located at 6918 York Road

which is presently zoned RM-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an office building which is in compliance with the site design guidelines and performance standards in the Hereford Plan, which is proposed to be 39 feet in height in lieu of the 30 feet maximum pursuant to B.C.Z.R. §§ 259.3B.3 and 259.3.C.1.c.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Who is hereby petitioning and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Large Owners:

Thomas A. McInnes
[Signature]

Signature

Address

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

62

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development 96-62-X

SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

August 10, 1995



ZONING DESCRIPTION
16918 YORK ROAD
7TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the West side of York Road (66 foot wide right-of-way) at the distance of 180 feet South of the centerline of Monkton Road extended; thence running along said road South 03° 12' 19" East 142.58 feet; thence South 84° 56' 05" West 529.65 feet, North 03° 12' 19" West 142.58 feet, and North 84° 56' 05" East 529.65 feet to the place of beginning as recorded in Deed Liber 5561, folio 282.

Containing 1.733 acres of land and being known as 16918 York Road located in the 7th Election District.

FILED: 10/20/95 10:42 AM

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

5

62

PROJECT NAME: HEREFORD MEDICAL CENTER

PROJECT NUMBER: VII-301

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Chesapeake Bay Comm Assoc
Winnie Carpenter, Pres
44 Chesterfield Ct
Monkton MD 21111

Greater Sparks Glencoe
Comm Council
Lee Riley, Pres
PO Box 396
Sparks MD 21152

Hereford Business Assoc
Dr. Gordon Zorn, Pres
17121 York Rd
Parkton MD 21120

Hereford Comm Assoc
Donald E. Pearce, Pres
PO Box 180
Monkton MD 21111

Northeast Balto Co Protective Assoc
Johanne Edey, Pres
1800 White Hall Rd
White Hall MD 21161

Valleys Planning Council
Margaret Worrall, Exec Dir
PO Box 5402
Towson MD 21285

Monkton Preservation Assoc
Gloria Cameron, Pres
Box 424
Monkton MD 21111

North County Coalition
Dr. Richard McQuaid, Pres
1501 Harris Mill Rd
Parkton MD 21120

Piney Run Preservation Assoc Inc
Mary B. Gaines, Pres
3423 Black Rock Rd
Reisterstown MD 21136

MEETINGS:

| | | | |
|-----------------------------|--------------|---------------------------|-------|
| Concept Plan Conference | 11 / 28 / 94 | Community Input Meeting | 1 / 1 |
| Development Plan Conference | 1 / 1 | Hearing Officer's Hearing | 1 / 1 |
| Planning Board | 1 / 1 | | |

COMMENTS

MASTER PLAN

The proposed use is consistent with the Baltimore County Master Plan 1989-2000. York Road is a Master Plan designated scenic route and a note should be placed on the Development Plan referencing it as such.

COMMUNITY PLAN

The site is within the boundaries of the Hereford Community Plan, adopted by the County Council May 6, 1991 as an amendment to the Master Plan.

9407301.CON/PZONE/CONCEPT

Pg. 2

PROJECT NAME: HEREFORD MEDICAL CENTER

PROJECT NUMBER: VII-301

HISTORIC PRESERVATION

The property is adjacent to a former Odd Fellows Lodge which is listed as site BA 2034 on the Maryland Historic Trust Inventory. The Concept Plan will be presented to the Landmarks Preservation Commission at its regular meeting on December 8, 1994.

ZONING REGULATIONS

Section 259.3 of the Baltimore County Zoning Regulations (BCZR) imposes additional regulations for CR Districts which include landscaping standards, parking location and accessibility to adjacent non-residential properties, and the requirement for compatibility review.

DEVELOPMENT REGULATIONS

Section 26-282 (2) of the Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for development in the CR Districts. Section 26-203 (d)(2)(1) of these regulations also allows the Director of Planning to require additional submittals as part of the Development Plan for items required by the Zoning Regulations or Comprehensive Manual of Development Policies (CMDF).

The following items are requested for compatibility review and for the approval process of the Scenic View Design Guidelines. One set of graphic materials will be sufficient for both reviews.

1. The Applicant should demonstrate in written form how this project meets the 8 compatibility objectives as outlined in Section 26-282 of the Development Regulations. This report should be part of the Development Plan submittal.
2. Also as part of the Development Plan, the Applicant should submit:
 - a. A photo-montage as seen from the road that demonstrates the relationship of the proposed development to the road and community;
 - b. Architectural building elevations of all four facades;
 - c. Sign elevations and locations;
 - d. Location and design of lighting standards; and
 - e. Photographs of existing buildings that portray the community's scenic character and demonstrate the compatibility of the proposal with its surroundings.

The graphic material listed above should also be displayed at the Community Input Meeting.

TRANSPORTATION

The handicapped parking spaces should be relocated closer to the entrance of the building.

9407301.CON/PZONE/CONCEPT

Pg. 3

PROJECT NAME: HEREFORD MEDICAL CENTER

PROJECT NUMBER: VII-301

DESIGN

1. The applicant should refer to the Hereford Community Plan and compatibility objectives in the Comprehensive Manual of Development Policies for refinement of site and architectural design.
2. The recommendations in Appendix C of the Hereford Plan should be used as guidelines for lighting and signage. If variances to sign and lighting regulations are sought, these recommendations shall be used as standards.
3. Section 259.3.C.4 of the BCZR states that "except where physical constraints, site configuration or safety preclude compliance, parking must be accessible to the parking lots of adjacent non-residential uses and zones." Future interconnection of parking lots to adjacent sites should be provided.
4. Signage should be integrated with the building and landscape design and should be graphically and color coordinated. Signage should not be illuminated.
5. A sidewalk should be provided to connect the building entry and parking area to the street sidewalk.
6. How is pedestrian access accommodated for the lower level building area? It may be beneficial to move the building closer to the street to allow for a better configuration of this lower level access.
7. The scale, proportions, massing and detailing of the proposed building should be in proportion to those existing in the neighborhood. Refer specifically to pages 32 through 38 of the Hereford Community Plan.
8. The front of the building should face the street.
9. Street trees should be continued to the south side of the entry drive.

Division Chief: *Eric McDaniel*

EMcD:bjs

9407301.CON/PZONE/CONCEPT

Pg. 4

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management August 28, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #62 - Hereford Professional Building
16918 York Road
Zoning Advisory Committee Meeting of August 21, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Forest Conservation Regulations.

Ground Water Management

The proposed re-development of the site has been evaluated for on-site (septic) sewage disposal. Final design of the septic system will be made at the time of building permit approval.

The existing dug well which serves the existing structure will have to be replaced with a well meeting current construction standards. The existing well will have to be backfilled and sealed in accordance with the Maryland State Well Construction Law. A well abandonment report must be submitted to this office.

JLP:TJL:TE:sp

c: Thomas McInnes

HEREFORD/DEPRM/TXTS8P



David L. Winstead
Secretary
Hal Kassoff
Administrator

September 8, 1995

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
MD 45 (west side)
1618 York Road
Hereford Medical Office Bldg.
Special Exception #62 (CAM)
Mile Post 15.97

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of the concept plan for the subject development, and in our letter to Mr. Donald Rascoe, Development Manager for Baltimore County dated November 11, 1994 we indicated that certain entrance improvements would be required by the State Highway Administration as a condition of plan approval.

Our review of the current plan reveals that our previous entrance improvement comments have been addressed, therefore we have no objection to the subject special exception request as submitted.

If you have any questions, please contact Bob Small at 410-333-1350.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Aug. 28, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for August 28, 1995
Item #62

The Development Plans Review Division has reviewed the subject zoning item. A variance may be necessary for the CR Zone 15-foot buffer along the southern property line. The plan scales only 13 or 14 feet. This buffer space is also designated as a County Access Easement. This may preclude the required landscape buffer content.

The schematic landscape plan must be submitted and approved as a condition of the Development Plan approval.

RWB:sw

Baltimore County Government
Fire Department

709 East Joppa Road Suite 901
Towson, MD 21286-5509

(410) 887-4500

DATE: 08/28/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 21, 1995

Item No.: SEE BELOW

Zoning Agenda:

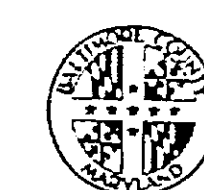
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 29, 32, 35, 36, 37, 38, 40, 43, 63 & 64.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 887-4681, MS-1102F

Printed on Recycled Paper



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

November 21, 1995

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Old Courthouse, Room 110
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception
16918 York Road - Hereford Professional
Building, W/S York Road, 180' S of
Monkton Road, 7th Election District -
3rd Councilmanic
PETITIONER: THOMAS A. MCINNES
Case No. 96-62-X

Dear Mr. Kotroco:

It has been this office's position, previously communicated to counsel for Petitioner, that a building which exceeds height or other area requirements in the commercial rural district still requires a variance. In other words, BCZR 259.3 does not supersede BCZR 307.1, but must rather be read in conjunction with it.

Upon review of the factual circumstances in this particular case, and its history, we do not believe that the public interest warrants an appeal. In appropriate future C.R. District cases, however, we may raise this issue.

This letter is intended to serve as notice in the file, in the event that any future applicant might otherwise assume our concurrence with the view that BCZR 259.3 dispenses entirely with the law of variances.

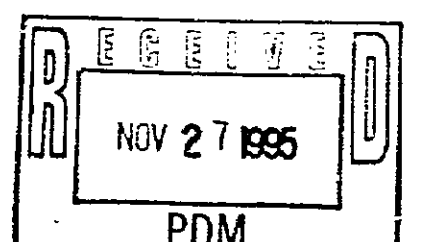
Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman

PMZ/caf

cc: Howard L. Alderman, Jr., Esq.

Arnold F. (Pat) Keller, III, OFZ
Kurt A. Kugelberg - PDM
W. Carl Richards, Jr. - PDM



APPENDIX

GENERAL NOTES

1. Councilmanic District - 3rd
2. Election District - 7th
3. Watershed - 13
4. Subwatershed - 81
5. Census Tract - 4072
6. Tax Map - 22, Grid - 14, Parcel - 298
7. Tax Account Number - 0710045535
8. Deed Reference - 5561/282
9. This site falls on Baltimore County Zoning Map N.W. 27C
10. Existing topography shown hereon is field run.
11. Soil types shown hereon are taken from the Baltimore County soils survey map number 9.
12. All signs shall comply with Section 413 of Baltimore County Zoning regulations.
13. The contractor shall verify locations of all underground utilities, public or private, prior to beginning work.
14. ADT's = 299
15. Parking spaces will be striped.
16. To the best of our knowledge there are no streams, wetlands, critical areas, flood plains, archeological sites, endangered species habitat, historical areas, or underground fuel storage tanks on this site or within 50' of the property.
17. No open space is required for this site.
18. Certification as to Delinquent Accounts
There are no delinquent accounts of any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.
19. There have been no previous zoning hearings for this site.
20. Zoning MAP NUMBER: M.W. 21-C

SITE DATA

1. GROSS AREA OF SITE : 1.831 AC.±
2. NET AREA OF SITE : 1.733 AC.±
3. EXISTING ZONING : BM-CR AND RC-5
4. PROPOSED FLOOR AREAS :
FIRST FLOOR
SECOND FLOOR
TOTAL : 8800 S.F.
5. FLOOR AREA RATIO : 0.11
6. PROPOSED USE : MEDICAL OFFICE
7. PARKING REQUIRED : 8800/1000 x 4.5 = 40
8. PARKING PROPOSED : 40 SPACES

ZONING REQUEST

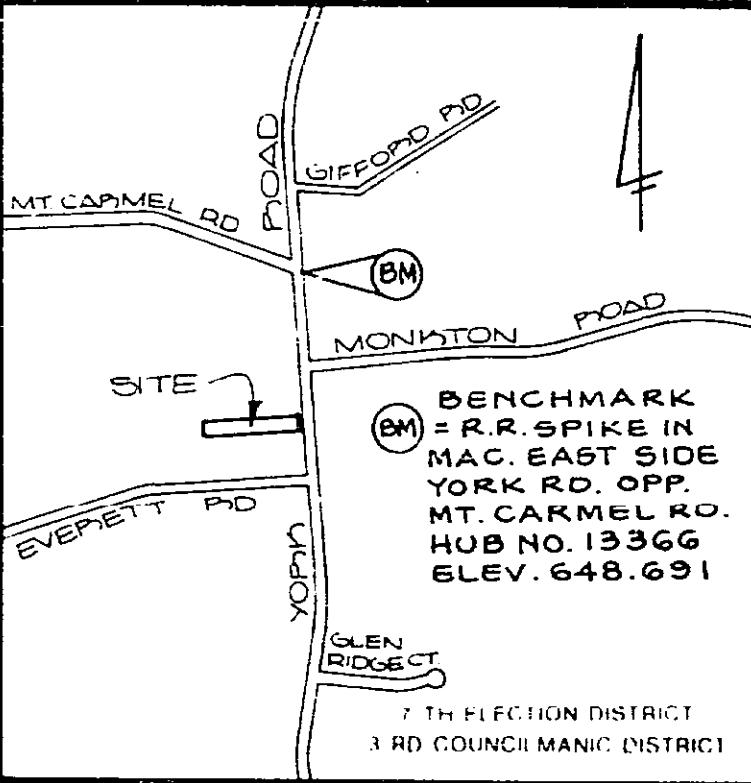
REQUESTING A SPECIAL EXCEPTION TO ALLOW AN OFFICE BUILDING WHICH IS IN COMPLIANCE WITH THE SITE DESIGN GUIDELINES AND PERFORMANCE STANDARDS IN THE "HEREFORD PLAN", WHICH IS PROPOSED TO BE 30' IN HEIGHT IN LIEU OF THE 30' MAXIMUM PERMITTED TO B.C.Z.R. SEC. 249.3.8.3 AND 249.3.C.1.c.

SOILS LIMITATION CHART

| Map Symbol | Soil Series | Homesites Limitations | Septic Systems Limitations | Hydric "K" Value | Capability Unit | |
|---------------|----------------|--------------------------|-------------------------------|------------------|--------------------|--------|
| 10B2 | Glenelg | Slight | Slight | No | 0.28 | III-4 |
| 10E | Glenelg | Slight | Slight | No | 0.32 | |
| 10C2 | Manor | Moderate slope | Moderate slope | No | 0.32 | III-25 |

FOREST DATA:

1. BASIC SITE DATA:
A. GROSS SITE AREA : 1.831 AC.±
B. AREA WITHIN 100 YD. FLOOD PLAIN : 0.00 AC.±
C. AREA WITHIN AGRICULTURAL USE OR PRESERVATION ZONE (IF APPLICABLE) : 0.00 AC.±
D. NET TRACT AREA : 1.831 AC.±
E. LAND USE CATEGORY (SEE P. 91 OF MANUAL OR BALTO. CO. CODE, SECT. 14-41000) : BM-CR, RC-5
2. INFORMATION FOR CALCULATIONS:
A. NET TRACT AREA : 1.831 AC.±
B. FOREST CONSERVATION THRESHOLD (10% x A for BM-CR) (10% x A for RC-5) : 0.1831 AC.±
C. AFFORESTATION THRESHOLD (10% x A for BM-CR) (10% x A for RC-5) : 0.1831 AC.±
D. EXIST. FOREST ON NET TRACT AREA : 0.18 AC.±
E. EXIST. FOREST ABOVE FOREST CONSERVATION THRESHOLD : 0.18 AC.±
F. BRUSH CLEAR POINT (C. AMOUNT OF FOREST TO BE DEFERRED FOR THE THRESHOLD) (C. x 0.75) : 0.135 AC.±
G. FOREST TO BE CLEARED : 0.045 AC.±
H. FOREST TO BE DEFERRED : 0.045 AC.±
I. AFFORESTATION & REFORESTATION AREA REQUIRED : 0.045 AC.±
J. FOREST CONSERVATION THRESHOLD DEFERRED : 0.045 AC.±

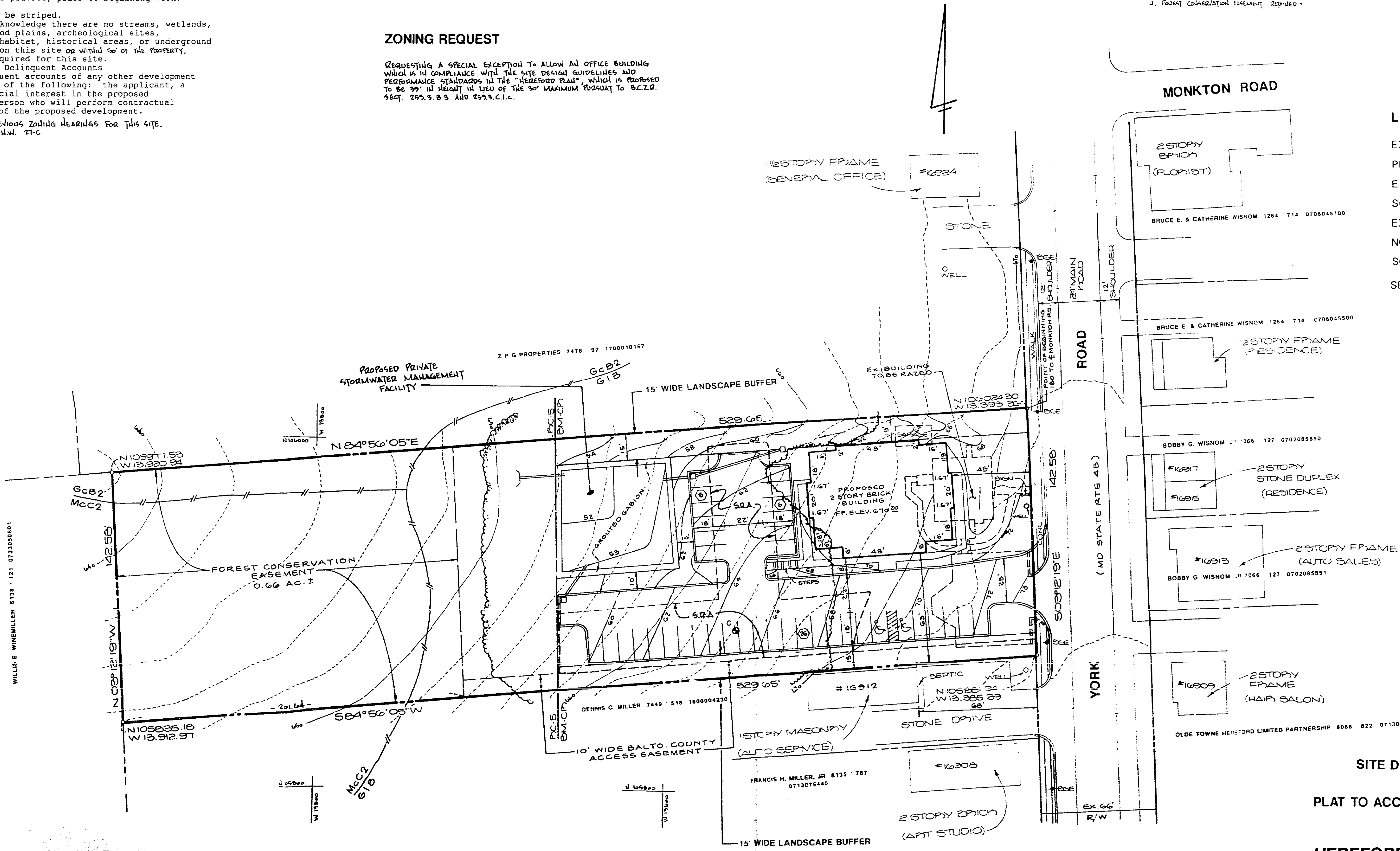


VICINITY MAP

SCALE : 1" = 1000'

LEGEND

- EXISTING CONTOUR : 660
- PROPOSED CONTOUR : 660
- EXISTING WOODS LINE : 660
- SOILS LINE : GCB2
- EXISTING WELL : 0
- NO. OF PARKING SPACES : 40
- SOIL PERCOLATION TEST : 6"
- SEPTIC RESERVE AREA : S.R.A.



SITE DEVELOPMENT PLAN AND PLAT TO ACCOMPANY SPECIAL EXCEPTION

HEREFORD PROFESSIONAL BUILDING (FORMERLY HEREFORD MEDICAL OFFICE BUILDING)

16918 YORK ROAD

SHEET 1 OF 2

7TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE : 1" = 30'

DATE : 6 / 14 / 95

ZADM NO. VII - 301

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555



James W. McKee Date 8/10/95
(Maryland Registered No. 9012)

OWNER & APPLICANT
THOMAS A. MCINNES
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

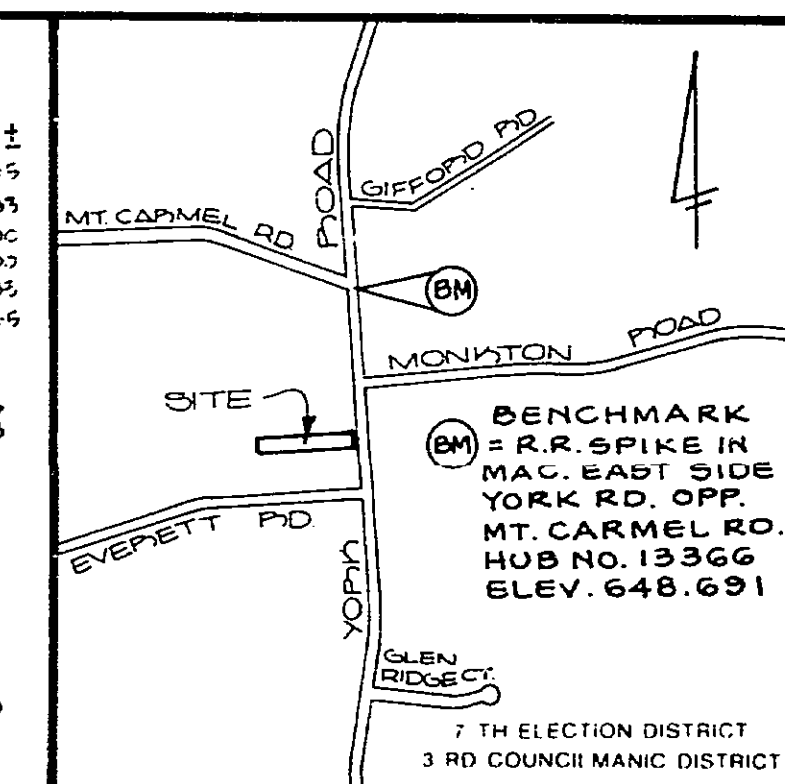
96-62-X

2. Councilman District - 3rd
3. Election District - 7th
4. Watershed - 13
5. Subwatershed - 01
6. Census Tract - 4072
7. Tax Map - 22, Grid - 14, Parcel - 298
8. Tax Account Number - 0710045535
9. Deed Reference - 5561/282
10. This site falls on Baltimore County Zoning Map N.W. 27C
11. Existing topography shown hereon is field run
12. Soil types shown hereon are taken from the Baltimore County soils survey map number 9.
13. All signs shall comply with Section 413 of Baltimore County Zoning Regulations.
14. The contractor shall verify locations of all underground utilities, public or private, prior to beginning work.
15. ADT's = 299
16. Parking spaces will be striped.
17. To the best of our knowledge there are no streams, wetlands, critical areas, flood plains, archeological sites, or endangered species habitat, historical areas, or underground fuel storage tanks on this site or within 50' of the property.
18. No open space is required for this site.
19. Certification as to Delinquent Accounts
20. There are no delinquent accounts of any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.
21. There have been no previous zoning hearings for this site.
22. Zoning Map Number: NW 27C
23. DUMPSTRE PAD TO BE SCREENED, PICKUP TO BE OFF - PEAK HOURS ONLY.

1. GROSS AREA OF SITE : 1,831 AC.± = 79758 S.F.
2. NET AREA OF SITE : 1,733 AC.±
3. EXISTING ZONING : BM-CR AND RC-5
BM-CR 0.995 AC.±
RC-5 0.836 AC.±
4. PROPOSED FLOOR AREAS : (ADJUSTED GROSS)* 9800 S.F.
FIRST FLOOR : 4400 S.F.
SECOND FLOOR : 4400 S.F.
TOTAL : 8800 S.F. (GROSS)
5. FLOOR AREA RATIO : $\frac{8800}{79758} = 0.122 \text{ AC.} \pm$
6. PROPOSED USE : MEDICAL OFFICE
7. PARKING REQUIRED : $8800/1000 \times 4.5 = 40$
8. PARKING PROPOSED : 40 SPACES
9. PARKING LOT AREA : 13550 S.F.
10. PREVIOUS PARKING AREA : 1240 S.F. = 10%

| Map Symbol | Soil Series | Homesites Limitations | Septic Systems Limitations | Hydric "K" Value | Capabili- Unit |
|---------------|----------------|--------------------------|-------------------------------|------------------|-------------------|
| GcB2 | Glenelg | Slight | Slight | No 0.28 | Itc-4 |
| GIB | Glenelg | Slight | Slight | No 0.32 | |
| McC2 | Manor | Moderate: slope | Moderate: slope | No 0.32 | Ittc-25 |

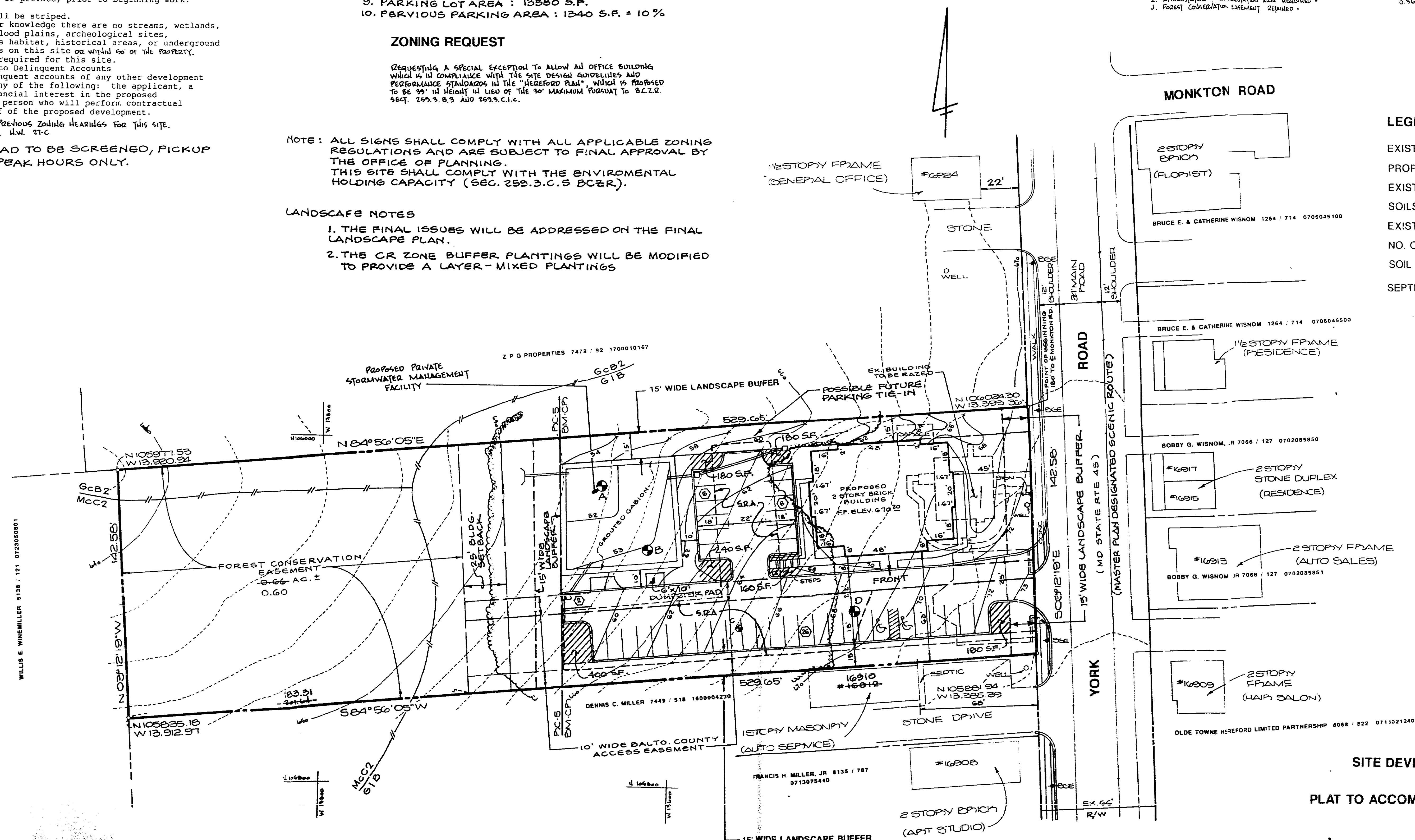
| 1. BASIC SITE DATA: | | Acres |
|---|--|------------|
| A. GROSS SITE AREA: | | 0.8425 AC. |
| B. AREA WITHIN 100' FLOODPLAIN: | | 0.89 AC. |
| C. AREA WITHIN ADDITIONAL USE OR PRESERVATION PARCEL (IF APPLICABLE): | | 0.00 AC. |
| D. NET TRACT AREA: | | 0.00 AC. |
| E. LAID USE CATEGORIES: (SEE PAGE 91 OF MANUAL OR BASIS OF CODE, SECT 14-1100B) | | 0.89 AC. |
| | | 0.8425 AC. |
| 2. INFORMATION FOR CALCULATIONS: | | Acres |
| A. NET TRACT AREA: | | 0.89 AC. |
| B. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.09 AC. |
| C. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| D. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| E. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| F. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| G. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| H. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| I. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| J. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| K. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| L. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| M. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| N. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| O. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| P. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| Q. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| R. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| S. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| T. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| U. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| V. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| W. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| X. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| Y. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |
| Z. FOREST CONSERVATION TIDELAND: $C\%W = A \times \text{Net Tract} \times C\%$ (A FOR RC-4) | | 0.13 AC. |



REQUESTING A SPECIAL EXCEPTION TO ALLOW AN OFFICE BUILDING WHICH IS IN COMPLIANCE WITH THE SITE DESIGN GUIDELINES AND PERFORMANCE STANDARDS IN THE "HEREFORD PLAN", WHICH IS PROPOSED TO BE 39' IN HEIGHT IN LIEU OF THE 30' MAXIMUM PURSUANT TO B.C.Z.R. SECT. 259.3.B.3 AND 259.3.C.1.C.

NOTE: ALL SIGNS SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS AND ARE SUBJECT TO FINAL APPROVAL BY THE OFFICE OF PLANNING.
THIS SITE SHALL COMPLY WITH THE ENVIRONMENTAL HOLDING CAPACITY (SEC. 259.3.C.5 BC&R).

1. THE FINAL ISSUES WILL BE ADDRESSED ON THE FINAL LANDSCAPE PLAN.
2. THE CR ZONE BUFFER PLANTINGS WILL BE MODIFIED TO PROVIDE A LAYER - MIXED PLANTINGS



EXISTING CONTOUR

PROPOSED CONTOUR

EXISTING WOODS LINE

SOILS LINE

EXISTING WELL

NO. OF PARKING SPACES

SOIL PERCOLATION TEST

SEPTIC RESERVE AREA

16918 YORK ROAD

SHEET 1 OF 2

7 TH ELECTION DISTRICT
SCALE : 1" = 30'

BALTIMORE COUNTY, MARYLAND
DATE - 6 / 14 / 95

ZADM NO. VII - 301

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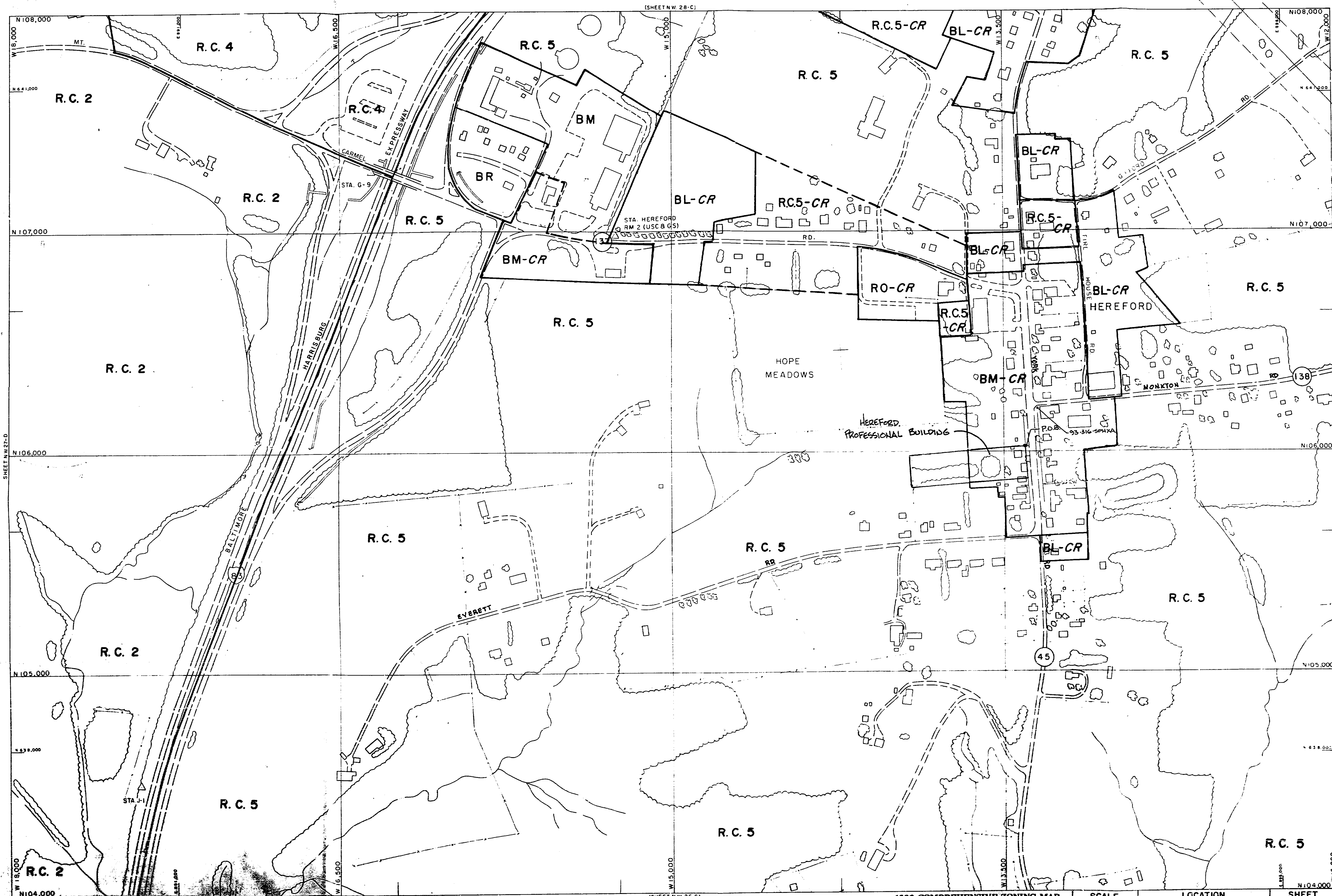


James W. McKee Date _____
(Maryland Registered No. 9012)

NOTE: REVISIONS AS PER DEVELOPMENT
PLAN CONFERENCE.

OWNER & APPLICANT
THOMAS A. McINNES
7816 RUXWOOD ROAD
BALTIMORE, MD 21204
(410) 377-2700

16918 YORK ROAD



HH-SW HH-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

| SCALE | LOCATION | SHEET |
|---------------------|----------|-------|
| 1" = 200' ± | HEREFORD | N.W. |
| DATE OF PHOTOGRAPHY | | 27-C |
| JANUARY 1986 | | |

96-62-X